JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

COMMONWEALTH OF KENTUCKY,

BEGUN AND HELD IN THE TOWN OF FRANFORT, ON FRIDAY THE THIRTY FIRST DAY OF DECEMBER, IN THE YEAR OF OUR LORD, 1841, AND OF THE COMMONWEALTH, THE FIFTIETH.

FRANKFORT, KY.
A. G. HODGES.....STATE PRINTER.
1841.

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At a General Assembly begun and held for the Commonwealth of Kentucky, at the Capitol, in the town of Frankfort, on Friday, the 31st day of December, in the year of our Lord, 1841, and in the 50th year of the Commonwealth—on which day (being that designated by law,) the following members of the House of Representatives appeared, viz:

From the county of *Adair*—William C. Paxton.
From the county of *Allen*—Samuel E. Carpenter.
From the county of *Anderson*—Keeling C. Gaines.
From the county of *Bourbon*—Jesse Kennedy.
From the county of *Bullitt*—William R. Thompson.
From the county of *Breckinridge*—John Calhoon.
From the county of *Bath*—Taliaferro P. Young.
From the county of *Boone*—Edmund F. Vawter.
From the county of *Barren*—Richard Garnett and James Cummins.
From the county of *Bracken*—William C. Marshall.
From the counties of *Butler* and *Edmonson*—William N. Wand.
From the county of *Christian*—Daniel H. Harrison and James Gholson.
From the county of *Calloway*—James Brien.
From the county of *Clarke*—James V. Karrick.
From the counties of *Clay* and *Perry*—Dougherty White.
From the counties of *Cumberland* and *Clinton*—Thomas E. Bramlette.
From the counties of *Carroll* and *Gallatin*—Samuel Sanders, Jr.
From the county of *Casey*—Winston Bowman.
From the county of *Caldwell*—Thomas J. Flournoy.
From the county of *Cambpell*—George Morin.
From the county of *Daviess*—George W. Triplett.
From the county of *Estill*—Berry Stone.

From the county of *Fleming*—George W. Forman.
From the county of *Fayette*—Neal M'Cann and Robert S. Todd.
From the county of *Franklin*—Charles S. Morehead.
From the counties of *Floyd* and *Pike*—John P. Martin.
From the county of *Greenup*—Robinson M. Biggs.
From the county of *Garrard*—George R. M'Kee.
From the county of *Green*—Willian N. Marshall and Thomas R. Barnett.
From the county of *Grant*—Peter Ireland.
From the county of *Grayson*—William L. Conklin.
From the county of *Hardin*—William Conway and Thomas D. Brown.
From the county of *Hickman*—Robert N. Lewis.
From the county of *Harrison*—John Chowning and Alexander H. Innis.
From the county of *Hopkins*—Jabez White.
From the county of *Henderson*—Archibald Dixon.
From the county of *Henry*—Elijah F. Nuttall.
From the county of *Hart*—George W. Craddock.
From the county of *Jessamine*—George T. Chrisman.
From the county of *Jefferson*—William R. Vance and William P. Thomasson.
From the county of *Kenton*—Robert M. Carlisle.
From the counties of *Lawrence* and *Carter*—James Rouse.
From the county of *Lincoln*—Robert W. Graham.
From the county of *Logan*—Robert Browder and William Kennedy.
From the county of *Laurel*—Thomas J. Buford.
From the county of *Livingston*—John S. Gilliam.
From the county of *Lewis*—Socrates Holbrook.
From the city of *Louisville*—William F. Bullock and Henry K. Wolfe.
From the county of *Madison*—Reuben Monday and John Speed Smith.
From the county of *Mason*—Francis T. Chambers and Perry Jefferson.
From the county of *Mercer*—Ludwell C. Cornish and E. B. Owsley.
From the county of *Monroe*—Hiram K. Chism.
From the county of *Marion*—James P. Barbour.
From the county of *Muhlenburg*—Edward R. Weir.
From the counties of *Morgan* and *Breathitt*—Eli Lykins.
From the county of *McCracken*—Robert Fletcher.
From the county of *Montgomery*—Nelson Prewitt.
From the county of *Nelson*—Gabriel E. Cox.
From the county of *Nicholas*—Charles C. Whaley.
From the county of *Owen*—James S. Brown.
From the county of *Oldham*—John Fible.
From the counties of *Ohio* and *Hancock*—William H. Rumsey.
From the county of *Pulaski*—Berry Smith.

From the county of *Pendleton*—Samuel F. Swope.
From the county of *Rockcastle*—William H. Kirtley.
From the county of *Russell*—Edward I. Bullock.
From the county of *Shelby*—Walter C. Drake and William Welch.
From the county of *Scott*—Richard M. Johnson.
From the county of *Simpson*—Beverly L. Clark.
From the county of *Spencer*—James Wakefield.
From the county of *Trigg*—Allen T. Noe.
From the county of *Todd*—Hazel Petree.
From the county of *Trimble*—Daniel B. Johnson.
From the county of *Union*—Gibson B. Taylor.
From the county of *Warren*—James R. Skiles and Houston Coombs.
From the county of *Woodford*—William B. Kinkead.
From the county of *Whitley*—Basil Brawner.
From the county of *Wayne*—Micah T. Chrisman.
From the county of *Washington*—Milton Busby.

Who, constituting a quorum, and having severally taken the oaths prescribed by the Constitution of the United States, and the Constitution and Laws of this State, repaired to their seats.

Robert Wickliffe, Jr., from the county of Fayette, and R. Logan Wickliffe, from the county of Nelson, produced certificates of their election, and took the oaths prescribed by the Constitution of the United States and the Constitution of this State.

On motion of Mr. Fletcher,

Resolved, That they be permitted to take their seats, without taking the oath required by law to suppress the practice of duelling.

Mr. Browder nominated Mr. Charles S. Morehead as a suitable person to fill the office of Speaker; Mr. Craddock nominated Mr. John Calhoon, and Mr. Drake nominated Mr. John Speed Smith; and the vote being taken, it stood thus:

Those who voted for Mr. Morehead, are as follows:

Messrs. Biggs,	Fible,	McCann,
Bramlette,	Forman,	Morin,
Browder,	Garnett,	Owsley,
Brown, J. S.	Gholson,	Petree,
Bullock, W. F.	Gilliam,	Prewitt,
Busby,	Graham,	Rouse,
Carlisle,	Holbrook,	Sanders,
Carpenter,	Innis,	Skiles,
Chambers,	Ireland,	Todd,
Chism,	Jefferson,	Vance,
Coombs,	Kennedy, J.	Vawter,
Conklin,	Kennedy, W.	Welch,

Cornish,	Kinkead,	Whaley,
Cox,	Marshall, W. C.	Wickliffe, R.—43.
Cummins,		

Those who voted for Mr. Calhoon, are as follows:

Messrs. Barbour,	Flournoy,	Thompson,
Brien,	Harrison,	Triplett,
Brown, T. D.	Noe,	Wakefield,
Clarke,	Nuttall,	Wand,
Conway,	Paxton,	Weir,
Craddock,	Rumsey,	White, J.
Dixon,	Taylor,	Wickliffe, R. L.
Fletcher,	Thomasson,	Wolfe—24.

Those who voted for Mr. J. Speed Smith, are as follows:

Messrs. Barnett,	Gaines,	McKee,
Bowman,	Johnson, D. B.	Martin,
Brawner,	Johnson, R. M.	Munday,
Buford,	Karrick,	Smith, B.
Bullock, E. I.	Kirtley,	Stone,
Chowning,	Lewis,	Swope,
Chrisman, G. T.	Lykins,	White, D.
Chrisman, M. T.	Marshall, W. N.	Young—25
Drake,		

No one on nomination having received a majority of all the votes given, the House proceeded to to take another vote, which stood thus:

Those who voted for Mr. Morehead, are as follows:

Messrs. Biggs,	Fible,	McCann,
Bramlette,	Forman,	Morin,
Browder,	Garnett,	Owsley,
Brown, J. S.	Gholson,	Petree,
Bullock, W. F.	Gilliam,	Prewitt,
Busby,	Graham,	Rouse,
Carlisle,	Harrison,	Sanders,
Carpenter,	Holbrook,	Skiles,
Chambers,	Innis,	Todd,
Chism,	Ireland,	Vance,
Coombs,	Jefferson,	Vawter,
Conklin,	Kennedy, J.	Welch,
Cornish,	Kennedy, W.	Whaley,
Cox,	Kinkead,	Wickliffe, R.—44.
Cummins,	Marshall, W. C.	

Those who voted for Mr. Calhoon, are as follows:

Messrs. Barbour,	Noe,	Thompson,
Brien,	Nuttall,	Triplett,
Brown, T. D.	Paxton,	Wakefield,
Clarke,	Rumsey,	Wand,

Conway, Craddock, Dixon, Fletcher, Flournoy, Smith, B. Swope, Taylor, Thomasson, Weir, White, J. Wickliffe, R. L. Wolfe—25.

Those who voted for Mr. J. Speed Smith, are as follows:

Messrs. Barnett, Bowman, Brawner, Buford, Bullock, E. I. Chowning, Chrisman, G. T. Chrisman, M. T. Drake, Gaines, Johnson, D. B. Johnson, R. M. Karrick, Kirtley, Lewis, Lykins, Marshall, W. N. McKee, Martin, Munday, Stone, White, D. Young—23.

No one on nomination having having yet received a majority of all the votes given, the House proceeded to take another vote, which stood thus:

Those who voted for Mr. Morehead, are as follows:

Messrs. Biggs, Bramlette, Browder, Brown, J. S. Bullock, E. I. Bullock, W. F. Busby, Carlisle, Carpenter, Chambers, Chism, Chrisman, M. T. Coombs, Conklin, Cornish, Cox, Cummins, Fible, Forman, Garnett, Gholson, Gilliam, Graham, Holbrook, Innis, Ireland, Jefferson, Kennedy, J. Kennedy, W. Kinkead, Marshall, W. C. McCann, Morin, Owsley, Petree, Prewitt, Rouse, Sanders, Skiles, Smith, B. Swope, Todd, Vance, Vawter, Welch, Whaley, Wickliffe, R.—47.

Those who voted for Mr. Calhoon, are as follows:

Messrs. Barbour, Barnett, Brien, Brown, T. D. Clarke, Conway, Craddock, Dixon, Fletcher, Flournoy, Harrison, Marshall, W. N. Noe, Nuttall, Paxton, Rumsey, Taylor, Thomasson, Thompson, Triplett, Wakefield, Wand, Weir, White, Wickliffe, R. L. Wolfe—26.

Those who voted for Mr. J. Speed Smith, are as follows:

Messrs. Bowman,	Johnson, D. B.	McKee,
Brawner,	Johnson, R. M.	Martin,
Buford,	Karrick,	Munday,
Chowning,	Kirtley,	Stone,
Chrisman, G. T.	Lewis,	White, D.
Drake,	Lykins,	Young—19.
Gaines,		

Mr. Morehead having received a majority of all the votes given, was declared duly elected Speaker, and conducted to the Chair; from whence he returned thanks for the honor conferred, and recommended the observance and preservation of good order and decorum.

Mr. Thomas J. Helm was unanimously elected Clerk; and Mr. Joseph Gray, Sergeant-at-Arms.

Mr. Skiles nominated Mr. Joseph Clark, as a suitable person to fill the office of Door Keeper; Mr. Bramlette nominated Mr. James Haggard, and Mr. Gaines nominated Mr. William B. Holeman; and the vote being taken, stood thus:

Those who voted for Mr. Clarke, are as follows:

Mr. Speaker,	Forman,	Prewitt,
Messrs. Biggs,	Harrison,	Rouse,
Browder,	Holbrook,	Skiles,
Brown, J. S.	Ireland,	Stone,
Brown, T. D.	Jefferson,	Thomasson,
Bullock, W. F.	Karrick,	Triplett,
Chambers,	Kennedy, J.	Todd,
Chrisman, G. T.	Kennedy, W.	Vance,
Conklin,	Kinkead,	Wakefield,
Conway,	Marshall, W. C.	Weir,
Cox,	Morin,	Whaley,
Craddock,	Petree,	Wolfe—37.
Fible,		

Those who voted for Mr. Haggard, are as follows:

Messrs. Barbour,	Chism,	Graham,
Barnett,	Chrisman, M. T.	Marshall, W. N.
Bowman,	Coombs,	Owsley,
Bramlette,	Cummins,	Paxton,
Brawner,	Dixon,	Rumsey,
Buford,	Fletcher,	Smith, B.
Bullock, E. I.	Garnett,	Smith, J. Speed
Busby,	Gholson,	Wand,
Calhoon,	Gilliam,	White, D.—28.
Carpenter,		

Those who voted for Mr. Holeman, are as follows:

Messrs. Brien,	Johnson, R. M.	Sanders,
Carlisle,	Kirtley,	Swope,
Chowning,	Lewis,	Taylor,
Clarke,	Lykins,	Thompson,
Cornish,	McCann,	Vawter,
Drake,	McKee,	Welch,
Flournoy,	Martin,	White, J.
Gaines,	Munday,	Wickliffe, R. Jr.
Innes,	Noe,	Wickliffe, R. L.
Johnson, D. B.	Nuttall,	Young—30.

No one on nomination having received a majority of all the votes given, the House proceeded to take another vote, which stood thus:

Those who voted for Mr. Clarke, are as follows:

Mr. Speaker,	Fible,	Prewitt,
Messrs. Biggs,	Forman,	Rouse,
Browder,	Holbrook,	Skiles,
Brown, J. S.	Ireland,	Stone,
Brown, T. D.	Jefferson,	Thomasson,
Bullock, W. F.	Karrick,	Triplett,
Chambers,	Lennedy, J.	Todd,
Chrisman, G. T.	Kennedy, W.	Vance,
Conklin,	Kinkead,	Weir,
Conway,	Marshall, W. C.	Whaley,
Cox,	Morin,	Wolfe—35.
Craddock,	Petree,	

Those who voted for Mr. Haggard, are as follows:

Messrs. Barbour,	Chrisman, M. T.	Harrison,
Bowman,	Coombs,	Owsley,
Bramlette,	Cummins,	Paxton,
Brawner,	Dixon,	Rumsey,
Buford,	Fletcher,	Smith, B.
Bullock, E. I.	Garnett,	Smith, J. Speed
Busby,	Gholson,	Wakefield,
Calhoon,	Gilliam,	Wand,
Carpenter,	Graham,	White, D.—28.
Chism,		

Those who voted for Mr. Holeman, are as follows:

Messrs. Barnett,	Johnson, R. M.	Sanders,
Brien,	Kirtley,	Swope,
Carlisle,	Lewis,	Taylor,
Chowning,	Lykins,	Thompson,
Clarke,	Marshall, W. N.	Vawter,
Cornish,	McCann,	Welch,
Drake,	McKee,	White, J.
Flournoy,	Martin,	Wickliffe, R.

Gaines,	Munday,	Wickliffe, R. L.
Innes,	Noe,	Young—32.
Johnson, D. B.	Nuttall,	

No one on nomination having received a majority of all the votes given, the House proceeded to take another vote, which stood thus:

Those who voted for Mr. Clarke, are as follows:

Mr. Speaker,	Forman,	Rouse,
Messrs. Biggs,	Holbrook,	Skiles,
Browder,	Ireland,	Stone,
Brown, J. S.	Jefferson,	Thomasson,
Buford,	Karrick,	Triplett,
Bullock, W. F.	Kennedy, J.	Todd,
Chrisman, G. T.	Kennedy, W.	Vance,
Conklin,	Kinkead,	Wakefield,
Conway,	Kirtley,	Weir,
Cox,	Morin,	Whaley,
Craddock,	Petree,	Wolfe—35.
Fible,	Prewitt,	

Those who voted for Mr. Haggard, are as follows:

Messrs. Barbour,	Chrisman, M. T.	Marshall, W. C.
Bowman,	Coombs,	Marshall, W. N.
Bramlette,	Cummins,	Owsley,
Brawner,	Dixon,	Paxton,
Bullock, E. I.	Fletcher,	Rumsey,
Calhoon,	Garnett,	Smith, B.
Carpenter,	Gholson,	Smith, J. Speed
Chambers,	Gilliam,	Wand,
Chism,	Graham,	White, D.—27.

Those who voted for Mr. Holeman, are as follows:

Messrs. Barnett,	Innes,	Sanders,
Brien,	Johnson, D. B.	Swope,
Brown, T. D.	Johnson, R. M.	Taylor,
Busby,	Lewis,	Thompson,
Carlisle,	Lykins,	Vawter,
Chowning,	McCann,	Welch,
Clarke,	McKee,	White, J.
Cornish,	Martin,	Wickliffe, R.
Drake,	Munday,	Wickliffe, R. L.
Flournoy,	Noe,	Young—32.
Gaines,	Nuttall,	

On motion of Mr. Dixon,

Ordered, That the further ballotting for Door Keeper be suspended for the present.

Ordered, That Mr. Dixon inform the Senate that this House having met, formed a quorum, and elected their officers in part, are now ready to proceed to legislative business.

Mr. Nuttall read and laid on the table the following resolutions, viz:

Resolved, by the General Assembly of the Commonwealth of Kentucky, That our Senators in Congress be, and they are hereby instructed to use their exertions to have the Bankrupt Law, passed at the extra session of Congress, repealed.

Resolved, further, That our Representatives in Congress be requested to use their exertions to have said law repealed.

Resolved further, That his Excellency, the Governor, be requested to transmit a copy of the foregoing resolutions to each of our Senators and Representatives in Congress.

A message was received from the Senate, by Mr. Pratt:

Mr. Speaker: I am directed by the Senate to inform this House, that the Senate having met, formed a quorum, and elected their officers, are now ready to proceed to legislative business. They have also appointed a committee of three on their part, to act in conjunction with a committee on the part of this House, to wait on the Governor, and to inform him that they are now ready to receive such communication (by way of message) as he may think proper to make.

And then he withdrew.

Whereupon, Messrs. J. Speed Smith, R. M. Johnson and Vawter, were appointed a committee on the part of this House.

Ordered, That Mr. J. Speed Smith inform the Senate thereof.

The said committee then retired, and after a short time returned; when Mr. J. Speed Smith, from the committee, reported that the joint committee had performed the duty assigned them, and were informed by the Governor that he would forthwith make a communication (by way of message) to both Houses of the General Assembly, in their respective chambers.

A message was received from the Governor, by Mr. Harlan, Secretary of State:

Mr. Speaker: I am directed by the Governor to lay before this House a message in writing.

The said message was then taken up and read as follows:

Gentlemen of the Senate,
and of the House of Representatives:

It would have given me great satisfaction, if the condition of our public affairs would justify me in doing so, to announce to you, at the moment of your meeting, the glad tidings that the difficulties in relation to our monetary affairs had been entirely removed and that our currency had once more been placed upon a safe and stable foundation. Such I deeply regret to say is not the case. The ardent wishes and just expectations of the country in this particular have been wholly disappointed. For causes well known to

the public, the General Government failed to consummate any measure, at the late extra-session of Congress, for the establishment of a sound and uniform circulating medium. The unfortunate consequence is, that the derangement of the currency throughout the Union continues to exist and to increase, whilst the value of all property, particularly of agricultural products, has greatly diminished, and is still diminishing.

I deem it wholly unnecessary at this time to discuss the question of the expediency and the necessity of establishing a National Bank. My views in reference to that subject were briefly suggested in my Message at the commencement of your last session. I must, however, be permitted most respectfully to say, that as the General Government possesses the power, so it is her duty, without further delay, to make adequate provision for an equal and uniform currency commensurate with the wants of the people of the whole Union, by the establishment of a National Bank, or something equivalent to it. There is no other mode, it seems to me, by which the country can be restored permanently and certainly to a wholesome condition.

It is perfectly apparent that the State Banks cannot accomplish this necessary and desirable object, and it is equally clear—indeed, no truth in human affairs was ever rendered more distinctly manifest by bitter experience—that this country, with all its distinguished advantages of climate and soil, aided and sustained, as it is, by an industrious and enterprising population, cannot ever attain its proper elevation in prosperity, or ever enjoy the blessings of a safe and uniform currency without the benefits of some such institution as that of a United States Bank. We have had experiment after experiment, each terminating in the same disastrous result, and each afflicting the country with increased and more aggravated distress.

Of all the great powers and responsible duties with which the General Government is charged under the Federal Constitution, there is none, as I sincerely believe, so essential and so important to the State of Kentucky as the faithful execution of the power to establish a sound and uniform circulating medium.

But whether an institution created for the use and convenience of the Federal Government alone, looking to its own exclusive interest, affording no general circulation, no accommodation, lending no facilities to the industry and business of the country, having no checks or balances, managed and controlled by a few government favorites, and swelling executive influence, will, in any degree, alleviate the present distresses of the country, and establish a currency upon a sound basis, is a question which I will not now undertake to discuss.

A regulator of the currency is needed; an institution which would rid the country of its disordered circulation, awaken its energies, revive its hopes, and restore its confidence.

In a country so extended as ours, with its activity of commerce and its diversified interests, without a convertible currency—one which the people can use—and without a near approximation to equality of exchanges, it is impossible for industry to reap its just rewards, business to flourish, or the community to prosper. Whilst the great inequality of exchanges, always produced by a vitiated currency, will secure wealth to brokers and money dealers, it will as certainly, in the end, impoverish the farmer, the mechanic, and all other classes of the working community. Look for a moment how severely it effects the citizens of the Commonwealth at present.

The continued importation of foreign goods from the Eastern cities necessarily and constantly creates a demand for exchanges at those points. The difference in exchanges when a National Bank was in operation, it will be remembered, was almost nominal—about one half of one per cent. Now, it is from 3½ to 7 per cent. This difference forms one of the elements of the prime cost of the goods, and the consumers pay that much more for them than otherwise they would have to pay. At the same time let it be borne in mind, that those who purchase our products for the southern market, estimate very largely, if not very accurately, the loss they are likely to sustain by being compelled to take depreciated paper in the States to which they trade, and therefore regulate their purchases accordingly. Thus it acts like a two edged sword, it is a double operation; we are taxed in every direction. The farmers pay more for the goods they consume, and receive less for their agricultural products. And this state of things is daily growing worse. The enormous rate of exchanges at present is cramping and paralizing all the energies of the State.

Whenever we have had a National Bank, we have had every where a convertible, redeemable currency, by which the value of property could be clearly estimated. When deprived of that institution, we have had uniformly suspension of specie payments, sudden reduction of the price of property, a heavy pressure, great embarrassment, and individual ruin. Such is our unhappy condition at present, and such I apprehend it will continue to be, in a greater or less degree, until the right remedy is applied.

Amidst all this distress however, this heavy, unjust and burthensome oppression, it is matter of consolation to be able to say, that the Banks of this State have been managed with such caution and discretion, that for all purposes of interior trade, they have had the ability to supply a currency as nearly approximating to a specie standard as any paper currency can be, not redeemable on demand in specie. Still, I must be allowed to say, that a long continuance of the suspension of specie payments is a state of things much to be deplored, and utterly inconsistent with law, with sound policy or sound morals, and can only be excused or tolerated upon the ground of a necessity beyond the control of the Banks, and originating in causes beyond the limits of the Commonwealth. But, under existing circumstances, whether it would be expedient at this moment, and until the prospect of effecting a general resumption of specie payments by concert with the Banks of other States with which we have most extensive commercial connexions, to compel our Banks to resume specie payments, is a matter—to say the least of it—exceedingly questionable. It is a subject of the utmost importance, and one in which the people of the State are most deeply concerned. My opinion is, that no one State—certainly no interior State—extensively and intimately connected as is ours, both socially and commercially, with her sister States, can stand alone in the payment of its notes in specie, whilst the Banks of all the surrounding States refuse the payment of theirs in specie, and whilst also specie is in constant demand for exportation.

The consequences which would follow from compulsive resumption against our Banks, without concurrent resumption on the part of some of the other States with which we stand most intimately connected in trade, are considerations which doubtless will be duly weighed by the General Assembly. I apprehend the immediate effect would be to aggravate, if not greatly to increase, the existing pressure upon the country. The Banks, it is true,

judging from a report of their means, may be, and I believe are, entirely able to sustain themselves in specie payments; but in this process, unaided and unsupported by any of the Banks of the neighboring States, whether our specie would not immediately flow out of the State—whether sudden contractions would not necessarily follow—whether the Banks would be in a condition to furnish any accommodations or facilities to the commerce of the State—and, whether they would not be under the necessity of coercing their debtors too suddenly, by which the prices of property, already too low, would not be greatly reduced—are considerations which create in my view, the conviction of the impolicy of immediate coercive resumption. Still I think our Banks should be made to resume, and I am led to believe they are anxious for the day to arrive, the very instant the chief Banks of the neighboring States resume. But to the superior wisdom of the Legislature I submit the subject, holding myself ready to co-operate with them in any action which they may deem the public interest requires. I think the question should be considered wholly and exclusively in reference to the interest of the public. Should it be deemed by the General Assembly inexpedient to compel our Banks to resume specie payments without some concert with the Banks of other States, I recommend that in the mean time a vigilant watch be kept over them, to guard against all abuses, so that if the General Government shall continue to neglect or refuse to perform its duty in respect to the currency, our Banks may be compelled to perform theirs, at any moment the Legislature may think the public interest demands it.

Congress, at its late session, passed an act to appropriate the proceeds of the sales of the public lands among the several States. Allow me to congratulate you and the people of the State most cordially upon the adoption of this great measure—a measure in every respect just, wise and beneficent, and demanded by every consideration of equity and sound policy. A copy of the act is transmitted with this communication. It provides that the nett proceeds of the sales of the public lands, made subsequently to this day, shall be divided among the several States and Territories according to their respective federal representative population, as ascertained by the last census, "to be applied by the Legislatures of the several States to such purposes as the said Legislatures may direct," and that the same shall be paid at the Treasury of the United States, half yearly, on the first day of January and July in each year, to such person or persons as the respective Legislatures of the said States and Territories, or the Governors thereof, in case the Legislatures shall have made no such appointment, shall authorize and direct to receive the same.

It is supposed that the amount to which this State will be entitled annually under this act, will be at least one hundred and forty thousand dollars. The disposition which should be made of the money when received, is a question of deep and vital importance to the interests of the people of this Commonwealth. Permit me, most respectfully, but at the same time most earnestly, to recommend that it should not be the occasion or foundation of new expenditures: but that it be applied exclusively to the payment of the principal of the debts created for Internal Improvements.

The Lexington and Ohio Railroad Company having failed to avail itself of the benefit of the provisions of the act of the last session, authorizing an additional loan of eighty five thousand dollars for the repair of the road between Lexington and the Kentucky river; the Auditor, in pursuance of the

act of 1833, has advertised the road for sale to reimburse the State for the money already advanced, and that she is bound to pay for the Company. The State has paid, as the surety of the Company, for interest on money borrowed by it, the sum of $28,544 64 as will appear from the report of the Treasurer. In the event the State becomes the owner of the road by purchase, I submit to the General Assembly the propriety of making an appropriation to put it in complete repair. I know of no other mode by which the State can indemnify herself for the money she has already advanced, and for the liability under which she is placed. With regard to the costs of repairs and the profits it would yield to the State when repaired, I refer you to the estimate made, at my request, by the President of the Company for your information, and which I transmit herewith. I think this estimate may be fully confided in for its accuracy. Should the road be left in its present condition, it would very soon become worthless.

By the act of the 21st of February, 1840, the charter of the Bank of the Commonwealth was extended and continued in force until the 1st of January, 1842. The concerns of that institution not having been brought to a close, and the State having a considerable sum still due to it, I suggest the propriety of the immediate passage of an act extending the charter of the Bank for such a period as will enable its officers to collect that portion of the debts still unpaid and believed to be safe.

The law regulating the election of State Senators needs amendment. There is no mode of deciding who is entitled to the certificate of election when the candidates have an equal number of votes. In consequence of this defect in the law, a vacancy now exists in the Senate which cannot be filled without some further legislation. Your immediate attention to the subject is earnestly requested.

I regret extremely to inform you, that the fraud perpetrated by the Schuylkill Bank of Philadelphia, whilst acting as the transfer agent of the Bank of Kentucky in that city—of which you are already apprised—remains unadjusted. The consequence is, the State continues to be deprived of her accustomed dividends from the latter institution. The Bank of Kentucky, through the agency of William S. Waller, Esq., has, since your last session, completed the examination of the transfers of stock so as to designate the present holders and various transfers of the original stock, and also that of the fraudulent issue made by the Schuylkill Bank. I am inclined to believe the Bank of Kentucky has used great exertions to bring this unfortunate matter to an amicable close, but its efforts so far have not been successful, nor is the prospect of an adjustment by any means flattering.

In June last, the Directory of the Bank of Kentucky sent a deputation to Philadelphia, composed of gentlemen of high standing and character, to compromise the difficulty with the Schuylkill Bank. Being apprised that this delegation were about to repair to Philadelphia, steps were promptly taken to guard the interests of the Sinking Fund and Board of Education by the appointment of a gentleman of undoubted qualifications, to act on the occasion in their behalf, and to protect their rights in the negotiation. But it appears by the report of the deputation from the Bank of Kentucky and the publication of the Directory, that the Schuylkill Bank was entirely indisposed to enter into any arrangement which would result in the surrender of the money received by it for the forged certificates; and in fact it would not permit its books to be examined, either to confirm or to refute the

allegation, that the forged certificates had been sold and the proceeds appropriated to the payment of pressing liabilities against the Bank. To this report I beg leave to refer you for information more in detail upon this branch of the subject.

I am led to believe, and presume there can be no doubt of the fact, that the Schuylkill Bank is now, and has been ever since that atrocious fraud was perpetrated, using, holding, enjoying, and perhaps banking upon nearly the whole proceeds of the forged certificates issued by that Bank.

This fraud, so far as I am advised, has not been investigated by a committee of the Legislature of Pennsylvania, nor has any investigation by the courts, brought the perpetrators of it to public justice, nor has an indignant public sentiment caused a surrender of the large sums so fraudulently acquired. I understand that the Schuylkill Bank claims a court of justice as its forum, and refers the victims of its dishonest acts, to the delays, uncertainties, and expenses of litigation. A multiplicity of suits, great delay, and heavy expenses would be the inevitable consequence, whilst a misconception of the character of the action might enable it in many cases to avoid the claim by pleading the statute of limitations. In this state of things, many holders of the certificates alleged to be forged, (not admitting the forgeries as to their certificates) look to and claim indemnity from the Bank of Kentucky. To test her liability, suits have been brought and are now pending.

In some instances the holders of the original genuine stock are also the holders of spurious certificates. Many of the owners of the genuine stock believe the holders of the forged certificates are innocent purchasers for a valuable consideration without notice, and ought not therefore to sustain an entire loss. They allege, moreover, that as the Bank has ceased to make any dividends or to permit any transfers of stock to be made until this difficulty shall be settled, it would be equitable, in their view, to place the holders of spurious certificates upon an equal footing with the owners of the genuine stock, in order that the question may be at once settled, and the Bank compelled to make dividends, and the holders of stock be enabled to transfer it.

Should the courts decide that the Bank of Kentucky is liable for the consideration paid for the forged certificates, with interest, those certificates will be worth greatly more than the original shares, inasmuch as the genuine stock must contribute to pay them; but should the courts make a contrary decision, the holders of the spurious stock will lose all, unless they are enabled to extract something from the Schuylkill Bank.

I have been informed that an application will be made by the Stockholders of the Bank of Kentucky for an amendment of its charter to enable those interested in its stock, to adjust, on fair and equitable principles, the claims of all those who hold certificates, or have stock to their credit. Should such an application be made, you will doubtless give it a candid consideration; and when all the facts shall be before you, come to such a conclusion as the justice of the case requires.

Under all the circumstances, I can scarcely, for a moment, believe it is possible, upon due reflection and a just reconsideration of the subject, that the gentlemen in the management of the Schuykill Bank will persist in withholding our honest means, even down to the little pittance set apart for the benevolent purpose of educating the destitute children of the State. If

they should, however, we must try what virtue there is in the law. Eminent counsel has already been employed, and is now in the City of Philadelphia, with instructions to prosecute any suit which he may deem necessary to secure the rights of the Sinking Fund, and the Board of Education.

The Keeper of the Penitentiary, by authority of law, under the direction of the Commissioners of the Sinking Fund, has completed the two hundred and fifty two cells referred to in my message of last year as being then in progress. They are now occupied by the convicts. The whole work is executed in handsome style, upon a good plan and of durable materials; and I am glad to say adds very much to the comfort, safety and convenience of the prison. The old cells being removed, the area of the prison is enlarged, and with the removed materials, the Keeper is erecting an outer wall of considerable dimensions, which will secure the principal entry against all dangers of escape by the prisoners; and furnish a safe deposit for lumber and manufactured articles. This wall is nearly completed and will be a valuable addition to the Institution.

I think the Keeper is justly entitled to high commendation for the ability with which he manages the institution, and his humane treatment of the prisoners. If the Legislature were to authorise the Keeper to purchase or lease at a reasonable price, to be paid by the institution, about four or five acres of ground conveniently situated, upon which to raise vegetables for the use of the prisoners, it would not only lessen the expenses of the institution, but be promotive of the health of its inmates. The old and infirm convicts, now of little or no service to the prison, might be profitably employed in that way.

I beg leave to refer you to the annual report of the Board of Internal Improvement, which will be shortly submitted to your consideration, showing in detail the expenditures, progress and present condition of the Public Works. Amongst other facts of a gratifying character, I am happy to inform you, it contains the cheering information that the navigation of Green river, from the flourishing and growing town of Bowlinggreen to the Ohio river, is now in complete and successful operation by means of slack water navigation. The value and importance of this great improvement connecting itself as it does with a fertile and productive agricultural portion of the State, passing through a region abounding in inexhaustible beds of stone-coal and iron-ore, and affording a safe navigation, as is believed, almost the entire year, cannot be too highly estimated. The report will exhibit also the pleasing intelligence, that the works on the Kentucky river, though not entirely in a state of completion, are still so far advanced as to admit of safe and uninterrupted navigation from this point to the Ohio river, and the lock and dam No. 5, above this place, is expected to be finished very soon. The improvement upon this river as far as it has progressed is of great public utility and it is believed will, in some degree, be profitable to the State.

If the works already erected, after a fair trial, should add facilities to our commerce, cheapen transportation, and at the same time prove to be a source of revenue to the State, as many of our most scientific and experienced citizens, whose opinions are entitled to much weight, confidently anticipate—the Legislature, hereafter, in periods of greater prosperity, having the necessary information before them, will doubtless gradually and prudently extend the system so as to connect it with those valuable portions of the country abounding in the articles of salt, stone-coal and iron-ore.

The works on the Licking river, as will appear from the report, are still in progress but none of them completed.

The report of the Superintendent of Public Instruction will, in due time, be laid before you, showing the progress made in establishing the system of common schools during the past year, the number of districts which have embraced the system, and the amendments which may be necessary to render it more acceptable to the people.

The report of the Second Auditor, which will be submitted to you by that officer, will exhibit the state of the finances for the fiscal year ending the 10th of October last. I am gratified in being enabled to inform you, that the receipts into the Treasury, of the ordinary revenue, during that period have been sufficient to pay all demands upon it, and left a surplus of $28,345 80. For many years heretofore, there has been a deficit at the end of each fiscal year varying from $96,000 to $17,000, which had to be supplied by over drafts on the Bank, or by loans directly obtained from it.

The act of the last session imposing an additional tax of five cents upon every hundred dollars worth of property liable to be assessed under the existing revenue laws, will increase the resources of the Sinking Fund at least the sum of $120,000. This will enable the Commissioners of that Fund to discharge punctually the interest of the public debt. Their report showing the several amounts received and disbursed for the year ending the 10th instant, will be communicated to you at an early day of your session, to which I beg leave respectfully to refer you.

In my message at the commencement of the last session, I stated that the money borrowed for Internal Improvement purposes, and for which bonds had been issued, amounted to $1,385,000, at an annual interest of five per cent. and $1,765,000, at an interest of six per cent., all of which loans had been made for extended periods, varying from twenty to thirty five years, and $560,000, at an interest of six per cent. and payable six years after date—making the aggregate amount issued $3,710,500—which included $917,500, the amount held by the Board of Education, and $20,000, held by the Commissioners of the Sinking Fund—which left the sum of $2,773,000, as the exact amount of the public debt, for which bonds had been executed. Since that time, there have been issued by authority of law $49,500, of bonds payable in six years, and $539,000, in bonds payable in thirty years at an annual interest of six per cent. Exclusive of the amount of the bonds executed to the Board of Education, and to the Commissioners of the Sinking Fund—these being debts due from the State to itself—and including $40,000, borrowed by the Board of Internal Improvement from the Banks, the entire amount of the public debt to this time is $3,401,500, of which $515,000, is at the rate of five per cent. and $2,886,500, at six per cent interest.

That you may be enabled to understand more fully the exact condition of the public debt, I herewith transmit a statement showing the several amounts borrowed, the dates of the loans, from whom borrowed, and the law under which each loan was obtained.

This exhibition of our financial condition is quite encouraging, and establishes clearly the gratifiying fact that our State debt bears little or no comparison with that of most of the other States; that if prudently and wisely managed it can be discharged with the most entire ease, without in any respect proving a cause of oppression or inconvenience to our citizens;

and that the State has in some degree realized an equivalent for her indebtedness in the construction of many useful and valuable public works.

I must, however, be allowed to say, most respectfully, but at the same time most earnestly, that we are admonished, as I think, by every consideration of sound policy, by the present condition of our currency, by the prevailing pecuniary embarrassments of the people, by the depressed prices of every description of property, of the absolute necessity and propriety of great caution and forbearance in the further prosecution of works of internal improvement at this time. After finishing such works as are under contract and now in progress of completion, let us rest at least until periods of greater prosperity. I beg you to understand, that the views I had the honor of submitting to you at the opening of the last session of the Legislature upon this subject are the same now entertained by me.

I recommend, also, with all due respect, that every unnecessary expense connecting itself in any way with this system be dispensed with, and that the strictest principles of economy and accountability be applied to it in all its operations.

To free ourselves from debt, to meet all our liabilities promptly, to maintain our character untarnished, to stand before the world as a bright example of a State always ready and willing to comply with her engagements, to furnish no just cause of complaint to any one, either citizen or foreigner, with whom we have contracts, to avoid heavy indebtedness and heavy taxation, and in all things to act honestly and uprightly—is, in my humble view, a matter of higher, deeper, nobler importance, than the completion of all the Internal Improvements which could be devised by the ingenuity of man, if made at the sacrifice of honor and violated faith, with the money of other people fraudulently and meanly obtained, and when due, dishonestly and corruptly withheld.

The illustrious Commonwealth of Kentucky, I am most happy to say, occupies a pre-eminent place in the estimation of her sister States, not only for her patriotism, but for her integrity. She can hold up her head with pride and confidence before the whole world. Her faith has never been forfeited, her credit has never been dishonored, and I am bold to say never will be with the consent of her worthy and patriotic citizens. The price of her bonds, even in the present depressed state of the money market, proves her standing and character abroad, and ranks her in the highest class of States determined to meet their liabilities. This must be a most gratifying fact to every citizen of the State. May she always maintain the high reputation she now enjoys. The best mode of effecting this object, however, suffer me to say, is to look with a steady and constant eye to the payment of our old debts, and to be careful how we contract new ones.

In concluding this communication, I hope that it will not be considered inappropriate in me to express the anxious wish that you may discharge the responsible duties in which you are about to engage with distinguished ability—that your councils may be harmonious, and your measures prudent, safe and discreet; that the prosperity, the happiness and the honor of the State may be advanced by your labors, and that you may be guided and protected in your deliberations by that all wise and bountiful Providence who continues to bestow his rich favors of health, peace, and all the comforts of life upon our beloved Commonwealth, and to whom we owe a debt of constant and increasing gratitude for the enjoyment of so many blessings.

DECEMBER 31, 1841. R. P. LETCHER.

Statement showing the actual amount, &c. of the Public Debt of the State of Kentucky to 28th day of December, 1841.

Date of issuing Bonds.	Amount of each issue.	To whom issued and delivered.	Date of Law authorizing their issue.	Amount authorized to be issued under each act.	Amount issued under each act.	When re-imbursable or payable.	Rate of Interest.	Remarks.
1835, May 25,	$100,000	Bank of Kentucky,	February 25, 1835,	$1,000,000	200,000	30 years,	5 per cent.	
1835, August 1,	100,000	Prime, Ward & King,						
1836, April 25,	100,000	Northern Bank of Ky.	February 29, 1836,	1,000,000	150,000	30 years,	5 per cent.	
1836, June 1,	50,000	Bank of Kentucky,						
1837, April 1,	165,000	War Department,	February 23, 1837,	limited by previous Acts.	165,000	35 years,	5 per cent.	
1838, July 1,	1,250,000	American Life Insurance and Trust Co.	February 16, 1838,	1,250,000	1,250,000	30 years,	6 per cent.	
1840, ———	33,000	Contractors & others,	February 22, 1839,	1,000,000	33,000	30 years,	6 per cent.	
Between 22 April, 1840, to 19 February, 1841,	609,500	Public Contractors,	February 21, 1840,	1,500,000		6 years,	6 per cent.	
1840, November 4,	235,000	Northern Bank of Ky.	and	and	1,563,500	30 years,	6 per cent.	
1840, November 4,	180,000	Bank of Kentucky,				30 years,	6 per cent.	
1841, between 3d April and 22 December, 1841,	539,000	Public Contractors,	February 18, 1841,	196,000		30 years,	6 per cent.	
	30,000	Bank of Louisville,	Act of December 23, 1836, authorising the Board of Internal Improvement to borrow money,	. . . . .	40,000	Temporary loan,	6 per cent.	These were borrowed by the B'd of Internal Improvement.
	10,000	Frankfort Br. Bank,						
Total amount of the actual debt due by the State of Ky. to 28 Dec., 1841,	$3,401,500				$3,401,500			

NOTE.—In the printed copy of the Message of last year, the actual amount of the debt is stated at $2,783,000. It should have been printed $2,773,000.

Amount bearing an interest of 5 per cent.,	$ 515,000
Amount at an interest of 6 per cent.,	2,886,500
	$3,401,500

Statement showing the amount, &c. of State Bonds issued to the Board of Education and Commissioners of the Sinking Fund.

Date of issuing Bonds.	To whom issued and delivered.	Amount.	Date of law authorizing the issue.	When reimbursable or payable.	Rate interest.	Remarks.
1837, May 15, - -	Board of Education, - -	$500,000				
1837, July 1, - -	Board of Education, - -	170,000				
1837, Oct. 1, - -	Board of Education, - -	180,000	Act of Feb. 23d, 1837,	Thirty five years.	5 per cent.	
1837, Oct. 1, - -	Commissioners Sinking Fund,	20,000				
1839, Oct. 1, - -	Board of Education, - -	21,500				
1840, Jan. 1, - -	Board of Education, - -	22,000	February 22d, 1839,	Thirty years.	6 per cent.	
1840, July, - - -	Board of Education, - -	24,000				
		$937,500				

RECAPITULATION.

Amount of five per cent Bonds issued to the Board of Education,	$850,000
Amount of six per cent Bonds issued to the same, - -	67,500
Total amount issued to Board Education, - -	917,500
Amount of six per cent Bonds issued to the Commissioners of the Sinking Fund, - - - - - -	20,000
Aggregate amount issued to the Board of Education and Commissioners of the Sinking Fund, - - - -	$937,500

DISTRIBUTION BILL.

An Act to appropriate the proceeds of the sales of the Public Lands, and to grant pre-emption rights.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the thirty-first day of December, in the year of our Lord one thousand eight hundred and forty one, there be allowed and paid to each of the States of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, Louisiana, Arkansas, and Michigan, over and above what each of the said States is entitled to by the terms of the compacts entered into between them and the United States, upon their admission into the Union, the sum of ten per centum upon the net proceeds of the sales of the public lands, which, subsequent to the day aforesaid, shall be made within the limits of each of said States respectively: *Provided*, That the sum so allowed to the said States, respectively, shall be in no wise affected or diminished on account of any sums which have been heretofore, or shall be hereafter, applied to the construction or continuance of the Cumberland road, but that the disbursements for the said road shall remain, as heretofore, chargeable on the two per centum fund provided for by compacts with several of the said States.

SEC. 2. *And be it further enacted*, That after deducting the said ten per centum, and what, by the compacts aforesaid, has heretofore been allowed to the States aforesaid, the residue of the net proceeds, which net proceeds shall be ascertained by deducting from the gross proceeds all the expenditures of the year for the following objects: salaries and expenses on account of the General Land Office; expenses for surveying public lands; salaries and expenses in the surveyor general's offices; salaries, commissions, and allowances to the registers and receivers; the five per centum to new States, of all the public lands of the United States, wherever situated, which shall be sold subsequent to the said thirty-first day of December, shall be divided among the twenty-six States of the Union and the District of Columbia, and the Territories of Wiskonsin, Iowa, and Florida, according to their respective federal representative population as ascertained by the last census, to be applied by the Legislatures of the said States to such purposes as the said Legislatures may direct: *Provided*, That the distributive share to which the District of Columbia shall be entitled, shall be applied to free schools, or education in some other form, as Congress may direct: *And provided, also*, That nothing herein contained shall be construed to the prejudice of future applications for a reduction of the price of public lands, or to the prejudice of applications for a transfer of the public lands, on reasonable terms, to the States within which they lie, or to make such future disposition of the public lands, or any part thereof, as Congress may deem expedient.

SEC. 3. *And be it further enacted*, That the several sums of money received in the Treasury as the net proceeds of the sales of the public lands shall be paid at the Treasury half yearly on the first day of January and July in each year, during the operation of this act, to such person or per-

sons as the respective Legislatures of the said States and Territories, or the Governors thereof, in case the Legislatures shall have made no such appointment, shall authorize and direct to receive the same.

SEC. 4. *And be it further enacted*, That any sum of money, which at any time may become due, and payable to any State of the Union, or to the District of Columbia, by virtue of this act, as the portion of the said State or District, of the proceeds of the sales of the public lands, shall be first applied to the payment of any debt, due, and payable from the said State or District, to the United States: *Provided*, That this shall not be construed to extend to the sums deposited with the States under the act of Congress of twenty-third June, eighteen hundred and thirty-six, entitled "an act to regulate the deposites of the public money," nor to any sums apparently due to the United States as balances of debts growing out of the transactions of the Revolutionary war.

SEC. 5. *And be it further enacted*, That this act shall continue and be in force until otherwise provided by law, unless the United States shall become involved in war with any foreign Power, in which event, from the commencement of hostilities, this act shall be suspended during the continuance of such war: *Provided, nevertheless*, That if, prior to the expiration of this act, any new State or States shall be admitted into the Union, there be assigned to such new State or States, the proportion of the proceeds accruing after their admission into the Union, to which such State or States may be entitled, upon the principles of this act, together with what such State or States may be entitled to by virtue of compacts to be made on their admission into the Union.

SEC. 6. *And be it further enacted*, That there shall be annually appropriated for completing the surveys of said lands, a sum not less than one hundred and fifty thousand dollars; and the minimum price at which the public lands are now sold at private sale shall not be increased, unless Congress shall think proper to grant alternate sections along the line of any canal or other internal improvement, and at the same time to increase the minimum price of the sections reserved; and in case the same shall be increased by law, except as aforesaid, at any time during the operation of this act, then so much of this act as provides that the net proceeds of the sales of the public lands shall be distributed among the several States, shall, from and after the increase of the minimum price thereof, cease and become utterly null and of no effect, anything in this act to the contrary notwithstanding: *Provided*, That if, at any time during the existence of this act, there shall be an imposition of duties on imports inconsistent with the provisions of the act of March second, one thousand eight hundred and thirty-three, entitled, "an act to modify the act of the fourteenth of July, one thousand eight hundred and thirty-two, and all other acts imposing duties on imports," and beyond the rate of duty fixed by that act, to-wit: twenty per cent. on the value of such imports, or any of them, then the distribution provided in this act shall be suspended and shall so continue until this cause of its suspension shall be removed, and when removed, if not prevented by other provisions of this act, such distribution shall be resumed.

SEC. 7. *And be it further enacted*, That the Secretary of the Treasury may continue any land district in which is situated the seat of government of any one of the States, and may continue the land office in such district, notwithstanding the quantity of land unsold in such district may

not amount to one hundred thousand acres, when, in his opinion, such continuance may be required by public convenience, or in order to close the land system in such State at a convenient point, under the provisions of the act on that subject, approved twelfth June, one thousand eight hundred and forty.

SEC. 8. *And be it further enacted*, That there shall be granted to each State specified in the first section of this act five hundred thousand acres of land for purposes of internal improvement: *Provided*, That to each of the said States which has already received grants for said purposes, there is hereby granted no more than a quantity of land which shall, together with the amount such State has already received as aforesaid, make five hundred thousand acres, the selection in all of the said States, to be made within their limits respectively, in such manner as the Legislature thereof shall direct; and located in parcels conformably to sectional divisions and subdivisions, of not less than three hundred and twenty acres in any one location, on any public land except such as is or may be reserved from sale by any law of Congress or proclamation of the President of the United States, which said locations may be made at any time after the lands of the United States in said States respectively, shall have surveyed according to existing laws. And there shall be and hereby is, granted to each new State that shall be hereafter admitted into the Union, upon such admission, so much land as, including such quantity as may have been granted to such State before its admission, and while under a Territorial Government, for purposes of interternal improvement as aforesaid, as shall make five hundred thousand acres of land, to be selected and located as aforesaid.

SEC. 9. *And be it further enacted*, That the lands herein granted to the States above named shall not be disposed of at a price less than one dollar and twenty-five cents per acre, until otherwise authorized by a law of the United States; and the net proceeds of the sales of said lands shall be faithfully applied to objects of internal improvement within the States aforesaid, respectively, namely: Roads, railways, bridges, canals and improvement of water-courses, and draining of swamps; and such roads, railways, canals, bridges and water-courses, when made or improved, shall be free for the transportation of the United States mail, and munitions of war, and for the passage of their troops, without the payment of any toll whatever.

SEC. 10. *And be it further enacted*, That from and after the passage of this act, every person being the head of a family, or widow, or single man, over the age of twenty one years, and being a citizen of the United States, or having filed his declaration of intention to become a citizen, as required by the naturalization laws, who since the first day of June, A. D. eighteen hundred and forty, has made or shall hereafter make a settlement in person on the public lands to which the Indian title had been at the time of such settlement extinguished, and which has been, or shall have been, surveyed prior thereto, and who shall inhabit and improve the same, and who has or shall erect a dwelling thereon, shall be, and is hereby, authorized to enter with the register of the land office for the district in which such land may lie, by legal subdivisions, any number of acres not exceeding one hundred and sixty, or a quarter section of land, to include the residence of such claimant, upon paying to the United States the minimum price of such land, subject, however, to the following limitations and exceptions: No person shall be entitled to more than one pre-emptive right by virtue of this act;

no person who is the proprietor of three hundred and twenty acres of land in any State or Territory of the United States, and no person who shall quit or abandon his residence on his own land to reside on the public land in the same State or Territory, shall acquire any right of pre-emption under this act; no lands included in any reservation, by any treaty, law, or proclamation of the President of the United States, or reserved for salines, or for other purposes; no land reserved for the support of schools, nor the lands acquired by either of the two last treaties with the Miami tribe of Indians in the State of Indiana, or which may be acquired of the Wyandot tribe of Indians in the State of Ohio, or other Indian reservation to which the title has been or may be extinguished by the United States at any time during the operation of this act; no sections of land reserved to the United States alternate to other sections granted to any of the States for the construction of any canal, railroad, or other public improvement; no sections or fractions of sections included within the limits of any incorporated town; no portions of the public lands which have been selected as the cite for a city or town; no parcel or lot of land actually settled and occupied for the purposes of trade and not agriculture; and no lands on which are situated any known salines or mines, shall be liable to entry under and by virtue of the provisions of this act. And so much of the proviso of the act of twenty second of June, eighteen hundred and thirty eight or any order of the President of the United States, as directs certain reservations to be made in favor of certain claims under the treaty of Dancing-rabbit creek, be, and the same is hereby, repealed: *Provided*, That such repeal shall not affect any title to any tract of land secured in virtue of said treaty.

SEC. 11. *And be it further enacted*, That when two or more persons shall have settled on the same quarter section of land, the right of pre-emption shall be in him or her who made the first settlement, provided such persons shall conform to the other provisions of this act; and all questions as to the right of pre-emption arising between different settlers shall be settled by the register and receiver of the district within which the land is situated, subject to an appeal to and a revision by the Secretary of the Treasury of the United States.

SEC. 12. *And be it further enacted*, That prior to any entries being made under and by virtue of the provisions of this act, proof of the settlement and improvement thereby required, shall be made to the satisfaction of the register and receiver of the land district in which such lands may lie, agreeably to such rules as shall be prescribed by the Secretary of the Treasury, who shall each be entitled to receive fifty cents from each applicant for his services, to be rendered as aforesaid; and all assignments and transfers of the right hereby secured, prior to the issuing of the patent, shall be null and void.

SEC. 13. *And be it further enacted*, That before any person claiming the benefit of this act shall be allowed to enter such lands, he or she shall make oath before the receiver or register of the land district in which the land is situated, (who are hereby authorized to administer the same,) that he or she has never had the benefit of any right of pre-emption under this act; that he or she is not the owner of three hundred and twenty acres of land in any State or Territory of the United States, nor hath he or she settled upon and improved said land to sell the same on speculation, but in good faith to appropriate it to his or her own exclusive use or benefit; and that he or she

has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whatsoever, by which the title which he or she might acquire from the Government of the United States, should enure in whole or in part, to the benefit of any person except himself or herself; and if any person taking such oath shall swear falsely in the premises, he or she shall be subject to all the pains and penalties of perjury, and shall forfeit the money which he or she may have paid for said land, and all right and title to the same; and any grant or conveyance which he or she may have made, except in the hands of bona fide purchasers, for a valuable consideration, shall be null and void. And it shall be the duty of the officer administering such oath to file a certificate thereof in the public land office of such district, and to transmit a duplicate copy to the General Land Office, either of which shall be good and sufficient evidence that such oath was administered according to law.

SEC. 14. *And be it further enacted*, That this act shall not delay the sale of any of the public lands of the United States beyond the time which has been, or may be, appointed by the proclamation of the President, nor shall the provisions of this act be available to any person or persons who shall fail to make the proof and payment, and file the affidavit required before the day appointed for the commencement of the sales as aforesaid.

SEC. 15. *And be it further enacted*, That whenever any person has settled or shall settle and improve a tract of land, subject at the time of settlement to private entry, and shall intend to purchase the same under the provisions of this act, such person shall in the first case, within three months after the passage of the same, and in the last within thirty days next after the date of such settlement, file with the register of the proper district a written statement, describing the land settled upon, and declaring the intention of such person to claim the same under the provisions of this act; and shall, where such settlement is already made, within twelve months after the passage of this act, and where it shall hereafter be made, within the same period after the date of such settlement, make the proof, affidavit, and payment herein required; and if he or she shall fail to file such written statement as aforesaid, or shall fail to make such affidavit, proof, and payment, within the twelve months aforesaid, the tract of land so settled and improved shall be subject to the entry of any other purchaser.

SEC. 16. *And be it further enacted*, That the two per cent. of the net proceeds of the lands sold, or that may hereafter be sold, by the United States in the State of Mississippi, since the first day of December, eighteen hundred and seventeen, and by the act entitled "An act to enable the people of the western part of the Mississippi Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," and all acts supplemental thereto reserved for the making of a road or roads leading to said State, be, and the same is hereby relinquished to the State of Mississippi, payable in two equal instalments; the first to be paid on the first of May eighteen hundred and forty two, and the other on the first of May eighteen hundred and forty three, so far as the same may then have accrued, and quarterly, as the same may accrue, after said period: *Provided*, That the Legislature of said State shall first pass an act, declaring their acceptance of said relinquishment in full of said fund, accrued and accruing, and also embracing a provision, to be unalterable without the consent of Congress, that the whole of said two

per cent. fund shall be faithfully applied to the construction of a railroad, leading from Brandon, in the State of Mississppi, to the eastern boundary of said State, in the direction, as near as may be of the towns of Selma, Cahaba, and Montgomery in the State of Alabama.

SEC. 17. *And be it further enacted*, That the two per cent. of the net proceeds of the lands sold by the United States, in the State of Alabama, since the first day of September eighteen hundred and nineteen, and reserved by the act entitled "An act to enable the people of the Alabama Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States" for the making of a road or roads leading to the said State, be, and the same is hereby, relinquished to the State of Alabama payable in two equal instalments, the first to be paid on the first day of May, eighteen hundred and forty two, and the other on the first day of May, eighteen hundred and forty three, so far as the same may then have accrued, and quarterly, as the same may thereafter accrue: *Provided*, That the Legislature of said State shall first pass an act declaring their acceptance of said relinquishment, and also embracing a provision, to be unalterable without the consent of Congress, that the whole of said two per cent. fund shall be faithfully applied, under the direction of the Legislature of Alabama, to the connection by some means of internal improvement, of the navigable waters of the bay of Mobile with the Tennessee river, and to the construction of a continuous line of internal improvements from a point on the Chattahoochie river, opposite West Point, in Georgia, across the State of Alabama, in a direction to Jackson in the State of Mississippi.

Approved, September 4th, 1841.

LEXINGTON AND OHIO RAILROAD COMPANY.

LEXINGTON, DECEMBER 12, 1841.

To his Excellency, ROBERT P. LETCHER,
Governor of Kentucky:

SIR:—Agreeably to your expressed desire to be informed as to the present condition of the Lexington and Ohio Railroad, and the property annexed thereto, I have the honor to enclose you the following statement and estimates, which, together with the report enclosed, gives the information which you desire.

There are two portions of road in operation, the first from Lexington to Frankfort, 28 miles, the second from Louisville to Portland, three miles. The Portland division has been under lease to W. M. Redd since the 1st of October, 1840. He took it one year at $2,000, but afterwards surrendered this lease and took a new one for five years at $1,200 per annum, commencing the 1st of October, 1841. Mr. Redd has lost money under the first lease, and will, unless the purchaser of the road confirms it, sink money under the second also. In fact this road never will be worked profitably again until certain improvements and extensions are made, which Mr.

Redd is unwilling to make under existing circumstances. Connected with this portion of road, are two pieces of property encumbered with debts, (purchase money) amounting to upwards of $15,000; a part of this property is absolutely necessary to the working of the road, and the remainder much needed.

The portion of road from Lexington to Frankfort is worked at a small profit to the company, (about $3,500 per annum;) had the navigation of the Kentucky river been finished last year, this profit would have been about $7,000.

With rigid economy and good supervision, this road may produce next year, $6,000, if the navigation continues unobstructed, throughout the season. In its present condition, I do not believe it will do more. During the 15 months I have managed it, there has been received for passengers $14,179 95, and $4,983 50 for freight, and there is yet due for freight (1st Nov. 1841,) $306 38. The road transports about one half of the passengers between Lexington and Frankfort, and about one eighth part of the freight.

If the road was repaired in such a manner as to admit the use of locomotive engines, it would do all the business between the two points, and carry the United States mail. This business I have heretofore estimated as follows:—20,000 passengers at $1 25—$25,000, and 10,000 tons freight at $2 60—26,000; United States mail $2,000; rents of real estate $500—total $53,500; and the total expense of working the road was estimated at $25,000. The cost of repairing the road by re-laying the present iron on a wooden superstructure was estimated to cost $85,000, using $10,000 of materials on hand for that purpose; of these materials part have been used in the ordinary repairs of the road, some sold, and the timber has deteriorated in the interval. So that I would now put that estimate at $90,000, which will be sufficient to repair the road, in the manner stated, purchase two locomotive engines, and repair the cars, engines, &c. on hand.

I am satisfied that this estimate will do the work required, but it is very desirable that the road should be extended to the river, and the expense of drayage dispensed with. This extension will add little or nothing to the amount which the company, or its successor, can charge for transporting 100 lbs; but it will tend to increase the amount transported by giving the road a monopoly of the coal and salt and other articles of little value in proportion to weight. I have not the means of estimating in detail the cost of such extension, and as it is believed that the town of Frankfort has a claim on the Railroad Company for the value of a new market house, when such extension is made, it is probable the extension would cost $15,000 at least.

The bridge over the Kentucky river can be completed for $25,000, (here again the deterioration of timber alters estimates,) and will produce an income of $3,000.

But if true economy is consulted in the repair of the road, it will be necessary to lay down a new iron rail, weighing at least 50 lbs. per linear yard. The present rail might last eight or ten years longer, but then would require renewal throughout; while a good edge rail of 50 lbs, on a road where engines not exceeding eight tons in weight are used, would last, with partial renewals, fifty or sixty years. The road would be more easily kept in repair, and of course at less expense, and the public assured of greater

safety in the transportion of persons and property. To repair the road in this permanent manner, would cost as follows:

One mile will require 1,760 cross-ties 8 × 6, and 7 feet long, at 30 cents, - - - - - - - - - -	$528 00
One mile will require 600 splicing plates (10 lbs) at 5 cts per lb,	300 00
One mile will require 4,500 lbs. spikes at 10 cents, - - -	450 00
One mile will require 78½ of tons iron rails at $65, - - -	5,002 50
One mile will require, repairing foundation, - - - -	250 00
One mile will require, laying rails, - - - - -	800 00
One mile will require, filling track, - - - - -	200 00
Total for one mile, - - - - - - - - -	7,530 50
And the cost of twenty seven miles will be, - - - -	203,323 50
To which must be added cost of two locomotives, $15,000, and the cost of repairing old locomotives, cars, water stations, and two new passenger cars, say $5,000, -	20,000 00
Also, cost of repairing embankments and masonry, - -	5,000 00
Also, cost of re-laying plane with plate rail, - - -	2,500 00
Total cost of re-laying the road with the edge rail, - -	230,823 50
From which must be deducted the value of 20,000 cross-ties of locust, unfit for this species of repair, and to be sold at, say 20 cents—$4,000, and 590 tons of iron worth $40—$23,600 - - - - - - -	27,600 00
Total,	$203,223 50

It is very demonstrable, and in accordance with experience, that the more costly repair, would in the end be the best investment of money. The difference in the annual cost of repairs of engines, cars and road, may be safely stated at $2,000 in favor of the latter; while the difference in the annual charges for preservation and renewal would certainly amount to $6,000; which would give an interest of $8,000 on $118,223 50.

The total receipts of the road from all sources since the 1st of June, 1840, and until the first of December, 1841, is $32,784 22, of which $4,142 41 was for materials sold. The total expenditures in the same time was $32-, 148 22, of which $9,500 50 was in payment of old debts. The road from Frankfort to Lexington transported in 1835, 20,000 passengers and over, in 1836, upwards of 30,000, in 1837, upwards of 24,000, since which time the passengers have fallen off to a number not exceeding 10,000 a year. There are some old notes and bills on sundry individuals amounting to some $2,700, but little or nothing of it will be realized.

Very respectfully, your obedient servant,

WILLIAM R. McKEE.

To the Stockholders of the Lexington and Ohio Railroad Company.

Being advised that the Executive of the State would urge upon the Legislature the propriety of selling your road, under the State's mortgage, a majority of the Directors have deemed it proper to call you together, that you may confer on the steps which should be taken under the circumstances.

With this view, I deem it proper to give you all the information of which I am possessed, concerning your property.

In May last, the undersigned being chosen President of this Company, proceeded to Louisville to relieve his predecessor. From Mr. Tyler he received the books, papers and documents, of whatever description, pertaining to the road, and also a balance of $5,092 59½, of which the sum of $5,000 was, and still is, in the hands of the Board of Internal Improvement, being the balance of a loan of $20,000 from that Board, and the remaining $92 59½ was in cash.

Two divisions of the road, to-wit: The Lexington, and Portland, were in operation, the 1st under a lease from the Company to Messrs. P. Swigert & Co.; the 2d under the Company's own agents. On the 26th of June, Messrs. P. Swigert & Co. notified the Directors that they would, on the 1st of October, surrender their lease. Afterwards, by agreement, the 1st of September was fixed upon, and the surrender made accordingly.

The Portland division continued to be worked by the Company's agents until the middle of September, when finding that this road had been worked for the six weeks preceding at a loss, I advised with Messrs. Keats and Field, (who, together with myself, were appointed by the Board a Committee for the management of the Company's affairs at Louisville,) as to the propriety of suspending that division, or leasing it out. In fact it was ascertained that the division could no longer be worked with profit, without a reorganization of the motive power, and the establishment of an efficient agency. And as the Company neither had the means of purchasing new power, or could afford a suitable salary to a competent agent, it was resolved,—"That from and after the 14th of September, 1840, the use of the Portland division be discontinued, and that Wm. R. McKee, President, be, and he is hereby authorized, to lease out that portion of the road for the best price he can obtain, for a term not exceeding three years.

The undersigned accordingly leased out that division of the road to Minor W. Redd, of Louisville, reserving a monthly rent of $166 66⅔, to be increased to a monthly rent of $250, whenever the Company extends its road to the lower ferry landing at Portland. The lessee to commence paying rent from the 1st of October.

To assess the damages done to certain property, demised to P. Swigert & Co. Charles B. Lewis was by consent appointed referee. This gentleman after close inspection of the cars, decided that P. Swigert & Co. pay the Railroad Company the sum of $2,911. Part of this has been paid, the balance will be paid when a final settlement can be had with those gentlemen.

With this fund, the horses, harness, and forage were purchased, and the Company resumed possession of the road from Lexington to Frankfort, on the 1st of September.

The Company have received from all sources, during the period commencing 1st June and ending 30th November, the sum of $18,756 37. The expenditures during the same time have been $18,142 45¼. This income and outlay may be classified as follows:

RECEIVED.

From Portland division from 1st June to 14th Sept.	$3,308 79	
From Portland division from Oct. and November,	333 33	
From P. Swigert & Co. from 1st May to 31st Aug.	1,453 07	
From P. Swigert & Co. for damages,	1,615 00	
From old accounts, sale of materials, &c.	3,553 70½	
From Lexington division from 1st Sept. to 30th Nov.	3,399 88	
From Levi Tyler,	5,092 59½	
		18,756 37

EXPENDED.

Portland division, - - - - - - -	$2,532 35	
Lexington division, - - - - - - -	2,410 45	
Old debts paid, - - - - - - -	5,003 65	
General expenses, including extraordinary repairs, purchase of horses, pay of President, &c.	3,196 00¼	
In hands of Board of Internal Improvement,	5,000 00	
		18,142 45¼
Balance 1st December, - - - -		613 91¾

Comparing the receipts and expenditures of the Lexington division, we find a profit of $987 43 in three months. One fruitful source of income has been cut off by the unfinished condition of the Kentucky river navigation. But it is idle to attribute our meager profits to this cause; the true cause lies deeper and must be obvious to every one. For admitting the revenue from freight to be as great as our most sanguine hopes could make it, it is very much doubted if we can make a profit on this division sufficient to pay the interest on the Company's debt, leaving nothing whatever for the preservation and renewal of road and machinery. The attention paid to economy will appear from the following statement. Two clerks receive 350 dollars each and are boarded; two drivers 240 dollars each and are boarded; five ostlers 240 dollars each, they boarding themselves, and others in proportion. All hired persons to make up lost time. These are the rates established by P. Swigert & Co. and certainly do not admit of reduction. The undersigned performs the duties of President, Treasurer, Agent, Superintendent and Engineer.

An unfortunate error in laying the track of this division, together with the worn out condition of the machinery, is the true cause of its failure to meet the hopes of its friends. The stone sills yielding to constant attrition, have lost that smoothness of surface which is the only peculiar advantage of an iron over a stone road; while the wheels are so worn that the flanges extend down to the ground, and as it were lift the wheels from the rail. This circumstance has been generally noticed, but attributed erroneously to the bad condition of the track. The consequence of all this is, a great increase of friction and breakage, and the loss of that speed and comfort which the traveller expects on a railroad. An idea of the increase of friction may be formed from the fact, that while on a well made railroad a car will by its weight descend a plane of 18 feet per mile, on our road it will not descend spontaneously a plane of 30 feet per mile. In other words, the friction is nearly doubled, and two horses are now necessary to do the duty which one did when the track was first laid.

The breakage is about twelve wheels per month, which, considering the speed and distance travelled, is quadruple the breakage on a good road. It should be observed, however, that this breakage is in part attributable to the worn condition of the machinery. The loss on each wheel is about twenty dollars; or, rather, it should be said, it costs twenty dollars to replace the wheel.

With regard to passengers, we have here witnessed the extraordinary spectacle of a line of stages competing successfully with a railroad. No where else, in Europe or America, has a railroad been opened, that it did not at once and forever destroy all competition in carrying passengers.

Several expedients for repairing the road, by partially substituting wood for stone, have been tried, but found not to answer. We are, at present, to keep the road in passable order, compelled to lift the stone block and lay down a wooden stringer in lieu of it. These stringers are laid but for short distances in each place, by men who have not the requisite skill—the circumstances of the Company not admitting the employment of such as have. In consequence, we find the grade and alignment of the road interrupted wherever a stone has been lifted. The stone sills should not be lifted at all —the track should be relaid on top of them, thereby securing what is so desirable on all railroads, an unyielding foundation; and, by raising the level of the road 10 inches, improving the drainage of the road, now so imperfect.

To lay a new track over the present one, repair the large embankments, purchase two light locomotives adopted to curved roads, and renew a portion of the cars, will cost, with the materials on hand, about $85,000, and any sum short of this I would not advise the Company to spend. In fact, any thing short of a thorough repair of this division, cannot be but a waste of money. Two locomotives will be adequate to the duty of this road for many years to come—one could run while the other would be in shop for repairs if needed. The locomotives belonging to the Company are too much worn to be relied on, and will need extensive repairs before they can be used, and besides that, they are of an antiquated model, and not suited for crooked roads. There is no machinist in the west competent to repair them.

It is safe to estimate the business of this division at 20,000 passengers and 10,000 tons of freight, which at the prices charged will produce a revenue of $51,000; and allowing $25,000 for all expenses, there will remain an annual profit of $26,000.

The Portland division cannot be relied on for more than $3,000, and it will be necessary to expend $1,000 at least to make it yield that amount.

I do not believe that this sum of $85,000 can be raised in any other way than from the Stockholders themselves. The failure to pay the interest on the loan of $150,000 has been fatal to the credit of the Company. It will be idle to ask aid of the State now, when she repeatedly refused her credit under more favorable circumstances.

The property of the corporation consists of a right of way, which, with the exception of four or five tracts, is secured throughout from Lexington to Portland; 28 miles of road from Lexington to Frankfort, in operation; 3 miles from 6th street, Louisville, to Portland, also in operation; 27 miles of road in part graded, between Louisville and Frankfort; the abutments and wing walls of a bridge over Kentucky river, in part made, with a large

quantity of timber, iron and stone material, delivered for the same; a quantity of stone and timber for the track, between Louisville and Frankfort; an unimproved lot in Portland on the river bank; 8 lots at Main and 13th streets, Louisville, with the improvements thereon, consisting of an engine house, stable and car house; the depot at the corner of Main and Sixth streets; a small tract of land of one or two acres, about four miles from Louisville; a lot on the river bank at Frankfort; several lots at the foot of the plane at Frankfort, with the office, warehouse and stable thereon; a tract of 3 or 4 acres at the head of the plane, with the engine, car, wood, stable and grocery houses thereon; the farm of 90 acres, stable, dwelling and its appurtenances, at the Ducker farm; the lots, stable, wood and dwelling houses at Midway; a stable at Yarnall's; the machine shop and its appurtenances, a six acre unimproved lot, the car, engine, and ware houses in this city, besides several small parcels of land on the line of the road, of but little value. The machinery, consisting of 2 locomotive engines, 4 eight-wheeled passenger cars, 10 four-wheeled do. 2 stock cars, 3 baggage cars, 37 burthen cars, 8 wood cars, 3 repair cars, 4 slides or safety cars for the plane; also a number of tools, wheels and axles, and materials in the machine shop and engine houses, which, together with the fixed engine in the machine shop, are worth eleven or twelve thousand dollars; also 45 horses and 36 sets harness.

The timber and stone between Louisville and Frankfort cost $30,400, some of this has been lost by depredation, and a large amount sold, generally to creditors of the Company, at a price far below first cost, but considable above its actual value. There are on hand on this part of the road, about 30,000 feet of timber, much decayed, of such quality and shape, and in such situations as to be almost worthless for any purpose except the rail road track. The timber on the Lexington division cost about $14,000. The locust ties of this lot having been exposed for the three last years, are sun cracked, and being generally too small, are not valuable; the best might be worked into the track, and the remainder sold for posts. The stringers of oak and cedar are worth very little, the piles having been culled for repairs, and by individuals on the road.

The bridge timbers and irons for the same, cost $10,000. This valuable lot of timber has been exposed to the weather since 1837, and is seriously damaged. It has also suffered from depredation, and one boat load was carried off by the freshet last spring. The span of the bridge having been reduced 150 feet, there is yet timber enough to finish it. This timber is piled at Carrolton, at a point 8 miles up the Kentucky river, and at Frankfort. That at Frankfort, I have caused to be piled and covered. Nothing but the absolute destitution of means prevented me from preserving in like manner, all the perishable material of the road. The bridge irons are in store at Frankfort, in good order. There has been expended on the bridge $48,249 68, as follows: $10,100 for timber and iron. Other work, principally masonry. $35,149 68. Due Stoughton for boating timber and for masonry, say $3,000. About $20,000 will finish this Bridge, and it is supposed it will yield a revenue of 3,000 dollars when finished.

The total cost of all this property, including law expenses, surveys, engineering, and all other expenses, except those incident to the use of the road, was about $950,000, and were it unencumbered, it would now be worth (it is believed) $600,000. This loss of $350,000 of the Company's capital,

17754

is attributable to a number of causes, of which the following are the principal, (as I believe:) 1st. A defective construction of the track from Lexington to Frankfort, which costing more than a track of wood, requires removal in less time, and increases the friction and breakage. 2d. The dissipation of the work over a large surface, during '36 and '37, instead of concentrating at Louisville or Frankfort, and finishing 20 miles of the road. 3d. The high prices paid for labor and materials, and the adoption of a wooden viaduct in lieu of an earthen embankment and culvert over Bear-grass, during the same period. 4th. The high prices paid for property at Portland and Louisville, or rather the fall in property at those places since the purchase. 5th. The loss on perishable materials purchased in '36 and '37. 6th. The general deterioration of road and machinery which has not been repaid by a corresponding profit from the road. 7th. The increased expenses resulting from a change of the plan of the Kentucky river bridge: And 8th. The peculations of A. O. Newton, late Treasurer, amounting to $13,251.

The debts and liabilities of the Company, as far as I can ascertain and estimate them, are $245,000, and in the order of precedence of lien, they stand as follows:

—— Arnold, principal and interest, with lien on lot at Portland,	$11,000
Wm. Mackey, principal and interest, with lien on depot at Louisville,	6,600
De Wolf's heirs, principal and interest, with lien on lots on Main and 3d streets,	8,600
Three bonds, two for 10,000 dollars each, and one for 20,000 dollars, guarantied by City of Louisville, and deposited by Mr. Tyler with the Bank of Kentucky, the Northern Bank of Kentucky, and the Board of Internal Improvement as security, for a loan, for six years, of $40,000, on which the sum of 35,000 dollars was received, and $1,250 has been repaid, say	33,850
Bonds guarantied by the State of Kentucky,	150,000
Interest and exchange paid by the State on same,	18,600
Mechanics liens on depot at Louisville, (takes precedence after Wm. Mackey's lien) say	500
Due on Ducker farm,	100
—— Goodloe, damages,	500
Peter Dudley, principal and interest,	1,000
—— Burden, principal and interest,	1,100
Bridgford & Ricketts, principal and interest,	1,100
L. B. Stoughton, (contractor,) say	3,000
Claims of contractors, land damages unpaid, and a number of small accounts unpaid, say,	9,050
Total,	$245,000

I have to say, in conclusion, that I have not been able to devise any plan by which the Company could be extricated from its present embarrassments.

All which is respectfully submitted.

WM. R. McKEE, *President*,
Lexington and Ohio Railroad Company.

Lexington, Kentucky, December 17, 1840.

On motion of Mr. Triplett,

Ordered, That the Public Printer forthwith print 5,000 copies of said message, for the use of the members of this House.

On motion of Mr. Vawter,

Ordered, That the rules of the last Legislature be adopted for the government of the present; and that the Public Printer forthwith print 150 copies of said rules for the use of the members of the General Assembly.

A message was received from the Senate, announcing that they had passed a bill, entitled, an act to extend the charter of the Bank of the Commonwealth of Kentucky.

The said bill was then read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading having been dispensed with,

Resolved, That the same do pass, and that the title thereof be as aforesaid.

Ordered, That a Committee on Enrollments be appointed, and a committee was appointed, consisting of Messrs. Wm. Kennedy, Morin, Triplett, T. D. Brown, Garnett and Flournoy.

Ordered, That Mr. Kennedy inform the Senate thereof.

The Clerk, in pursuance of the rule of the House, appointed Mr. John C. Herndon his assistant in the discharge of the duties of his office during the present session.

Mr. Triplett, from the Committee on Enrollments, reported that the committee had examined an enrolled bill which originated in the Senate, entitled, an act to extend the charter of the Bank of the Commonwealth of Kentucky, and had found the same truly enrolled.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Triplett inform the Senate thereof.

And then the House adjourned.

SATURDAY, JANUARY 1, 1842.

1. Mr. W. F. Bullock presented the petition of the Portland Dry Dock and Insurance Company, praying an amendment of their charter.

2. Also, the petition of Isabella P. McBride, praying to be divorced from her husband, Patrick McBride.

3. Also, the petition of Susannah Barnett, praying to be divorced from her husband, Samuel Barnett.

4. Also, the petition of John S. Allison, praying that some real estate belonging to his children may be sold, and the proceeds invested in other property.

5. Mr. Thomasson presented the petitition of Presly M. Hoskins, praying compensation for apprehending a fugitive from justice.

6. Mr. Innis presented the petition of George H., and Sarah J. Million, praying that a sale made by them of some real estate, which descended to the said Sarah, may be legalized.

7. Mr. Thomasson presented the petition of the citizens and property holders of Portland, praying to be disconnected with the city of Louisville.

8. Mr. Triplett presented the petition of William H. Bransford, praying the passage of a law permitting him to bring into this State, certain slaves purchased by him in the State of Virginia.

9. Mr. Fletcher presented the petition of George R. H. Clark, executor of William Clark, dec'd, and others, praying the passage of a law, authorizing the said George R. H. Clark, as executor, &c., to convey certain lands sold by said deceased in his lifetime.

10. Also, the petition of George R. H. Clark, praying the passage of a law authorizing a sale of certain lands held by him in connexion with the heirs of William P. Clark, dec'd.

11. Also, the petition of George R. H. Clark, administrator of William Clark, dec'd, and guardian for Jefferson K. Clark, praying the passage of a law authorizing a sale of the real estate of said deceased, for the purpose of paying his debts.

12. Mr. J. Speed Smith presented the petition of Jacob H. White, praying to be divorced from his wife, Amanda White.

13. Also, the petition of Elizabeth W. Million, praying to be divorced from her husband, Burrell Million.

Which were severally received, the reading thereof dispensed with, (except the 8th,) and referred—the 1st, 4th, 9th, 10th and 11th, to the committee for Courts of Justice; the 2d, 3d, 12th and 13th to the committee on Religion; the 5th to the committee on Claims; the 6th to Messrs. Innes, W. C. Marshall and Swope; the 7th to the committee on Propositions and Grievances; and the 8th to Messrs. Triplett, Calhoon and Dixon.

Mr. J. Speed Smith read and laid on the table the following preamble and resolutions, viz:

WHEREAS, It appears, from authentic information, that citizens of the United States, with passports from their government duly authenticated, in going from Texas to Santa Fe, with legitimate and peaceful intentions, offering no resistance, have been arrested by a military force of Mexicans—a por-

tion put to death in the most perfidious manner, whilst others, put in manacles, were, without any regard to the usages of war amongst civilized nations on the universally received principles of humanity, having been first divested of their shoes and clothing, and driven rather as beasts than human beings from the place of their capture to the city of Mexico, a distance of many hundred miles, by a soldiery, cruel, relentless, and unrestrained; and when there, their life—their death, or what is worse than death, protracted bondage in chains, at the mere will of a military dictation; and to give a deeper interest if possible for the fate of our unfortunate countrymen, the fact is said to exist, that a citizen of Kentucky, a mere youth of seventeen, is one of the wretched captives: *And whereas*, Protection is due to all and every, the humblest citizen of the Republic, whether at home or abroad—Therefore,

Resolved, by the General Assembly of the Commonwealth of Kentucky, That the government of the United States, owes it to itself as well as to those unfortunate citizens, to use the most prompt, vigorous and efficient means to restore to liberty and their country, those men, and to vindicate to Mexico and the world, the proud declaration, that American citizenship is a shield against wrong and oppression throughout the globe.

Be it further resolved, That Kentucky will sustain, in any manner which shall be deemed necessary, with her full strength, the most energetic action of the general government, to right the wrong, both individual and national.

Resolved, further, That in the opinion of this legislature, it is the duty of the government of the United States to demand and require of the government of Mexico, in the future progress of the war with Texas, to observe the usages of civilized nations in the treatment of prisoners.

Resolved, further, That the Governor be requested to forward a copy of the foregoing preamble and resolutions to the President of the United States, and to each of our Senators and Representatives in Congress.

The rule of the House requiring joint resolutions to lie on the table one day having been dispensed with,

Mr. Calhoon then moved an amendment to said resolutions, which was adopted.

The question was then taken on the adoption of said resolutions, and they were unanimously adopted.

The question was then taken on the adoption of the preamble, and decided in the affirmative.

The House again resumed the balloting for Door Keeper, and the vote being taken it stood thus:

Those who voted for Mr. Clarke, are as follows:

Mr. Speaker,	Fible,	Prewitt,
Messrs. Biggs,	Forman,	Skiles,
Browder,	Holbrook,	Stone,
Brown, J. S.	Innes,	Thomasson,
Brown, T. D.	Ireland,	Triplett,
Buford,	Jefferson,	Todd,
Bullock, W. F.	Karrick,	Vance,

Chrisman, G. T.	Kennedy, J.	Wakefield,
Conklin,	Kennedy, W.	Weir,
Conway,	Kinkead,	Whaley,
Cox,	Marshall, W. C.	Wolfe—35.
Craddock,	Morin,	

Those who voted for Mr. Haggard, are as follows:

Messrs. Barbour,	Clarke,	Martin,
Barnett,	Coombs,	Owsley,
Bowman,	Dixon,	Paxton,
Bramlette,	Fletcher,	Petree,
Brawner,	Garnett,	Rouse,
Bullock, E. I.	Gholson,	Rumsey,
Busby,	Gilliam,	Smith, B.
Calhoon,	Graham,	Smith, J. Speed
Carpenter,	Harrison,	Wand,
Chambers,	Kirtley,	White, D.
Chism,	Lykins,	White, J.—35.
Chrisman, M. T.	Marshall, W. N.	

Those who voted for Mr. Holeman, are as follows:

Messrs. Brien,	Johnson, R. M.	Swope,
Chowning,	Lewis,	Taylor,
Cornish,	McCann,	Thompson,
Cummins,	McKee,	Vawter,
Drake,	Munday,	Welch,
Flournoy,	Noe,	Wickliffe, R.
Gaines,	Nuttall,	Wickliffe, R. L.
Johnson, D. B.	Sanders,	Young—24.

No one on nomination having received a majority of the votes given another vote was taken, which stood thus:

Those who voted for Mr. Clarke, are as follows:

Mr. Speaker,	Fible,	Prewitt,
Messrs. Biggs,	Flournoy,	Skiles,
Browder,	Holbrook,	Stone,
Brown, J. S.	Innes,	Thomasson,
Brown, T. D.	Ireland,	Triplett,
Buford,	Jefferson,	Todd,
Bullock, W. F.	Karrick,	Vance,
Chrisman, G. T.	Kennedy, J.	Vawter,
Conklin,	Kennedy, W.	Weir,
Conway,	Kinkead,	Whaley,
Cox,	Marshall, W. C.	Wolfe—35.
Craddock,	Morin,	

Those who voted for Mr. Haggard, are as follows:

Messrs. Barbour,	Clarke,	Nuttall,
Barnett,	Coombs,	Owsley,
Bowman,	Dixon,	Paxton,
Bramlette,	Fletcher,	Petree,
Brawner,	Forman,	Rouse,
Brien,	Garnett,	Rumsey,
Bullock, E. I.	Gholson,	Smith, B.
Busby,	Gilliam,	Smith, J. Speed
Calhoon,	Graham,	Wakefield,
Carpenter,	Harrison,	Wand,
Chambers,	Kirtley,	White, D.
Chism,	Lykins,	White, J.
Chowning,	Marshall, W. N.	Wickliffe, R.—41.
Chrisman, M. T.	Martin,	

Those who voted for Mr. Holeman, are as follows:

Messrs. Carlisle,	Lewis,	Swope,
Cornish,	McCann,	Taylor,
Cummins,	McKee,	Thompson,
Drake,	Munday,	Welch,
Gaines,	Noe,	Wickliffe, R. L.
Johnson, D. B.	Sanders,	Young—19.
Johnson, R. M.		

No one on nomination having yet received a majority of the votes given, the House proceeded to take another vote, which stood thus:

Those who voted for Mr. Clarke, are as follows:

Mr. Speaker,	Holbrook,	Sanders,
Messrs. Biggs,	Innes,	Skiles,
Browder,	Jefferson,	Stone,
Brown, J. S.	Karrick,	Taylor,
Brown, T. D.	Kennedy, W.	Thomasson,
Bullock, W. F.	Kinkead,	Triplett,
Chambers,	Marshall, W. C.	Todd,
Chrisman, G. T.	McCann,	Vance,
Conklin,	Morin,	Vawter,
Conway,	Munday,	Weir,
Craddock,	Prewitt,	Whaley,
Fible,	Rouse,	Wickliffe, R.—37.
Flournoy,		

Those who voted for Mr. Haggard, are as follows:

Messrs. Barbour,	Cornish,	Marshall, W. N.
Barnett,	Cox,	McKee,
Bowman,	Cummins,	Martin,
Bramlette,	Dixon,	Nuttall,
Brawner,	Fletcher,	Owsley,

Brien,	Forman,	Paxton,
Buford,	Garnett,	Petree,
Bullock, E. I.	Gholson,	Rumsey,
Busby,	Gilliam,	Smith, B.
Calhoon,	Graham,	Smith, J. Speed
Carlisle,	Harrison,	Wakefield,
Carpenter,	Ireland,	Wand,
Chism,	Johnson, D. B.	White, D.
Chowning,	Johnson, R. M.	White, J.
Chrisman, M. T.	Kennedy, J.	Wolfe.
Clarke,	Kirtley,	Young—50.
Coombs,	Lykins,	

Those who voted for Mr. Holeman, are as follows:

Messrs. Drake,	Noe,	Welch,
Gaines,	Swope,	Wickliffe, R. L.–8.
Lewis,	Thompson,	

Mr. Haggard having received a majority of all the votes given, was declared duly elected Door Keeper for the present session.

The Speaker laid before the House the annual report of the Kentucky and Louisville Mutual Insurance Company, which is as follows, viz:

At a meeting of the President and Directors of the Kentucky and Louisville Mutual Insurance Company, at their office in the city of Louisville, on the 8th of December, 1841, the President of the Company submitted to the Board a statement of the condition, progress and affairs of the Company, which, after being read, examined and approved by the Board, was adopted; and the President is directed to furnish a copy of the same to the General Assembly of this State, agreeably to the requisition of the 22d section of the charter of this Company.

OFFICE OF THE KY. AND LOUISVILLE MUTUAL INSURANCE CO.
Louisville, December 9, 1841.

SIR:

In accordance with the 22d section of the charter of this Company, and the order of the Board of Directors, I herewith enclose to you a statement of the condition and progress of its business from its commencement up to, and including the 4th instant, and request that you will lay the same before the House of Representatives.

I have the honor to be,
Very respectfully, &c.
J. W. ANDERSON, *President.*

To the Hon. C. S. MOREHEAD,
Speaker of the House of Representatives.

Report of the condition, progress and affairs of the Kentucky and Louisville Mutual Insurance Company, up to the 4th of December, 1841, inclusive, viz:

Amount insured, 223 policies, - - - -		$778,875 00
Amount premium notes, - -	$40,568 20¾	
Deduct amount of premium notes discharged by transfer of property and otherwise,	2,305 00	
	38,263 20¾	
Amount received on premium notes, -	7,239 13	
Amount received for 223 policies, -	223 00	
Amount due John I. Jacob, - -	37 50	
Amount due J. W. Anderson, - -	147 50	
		$7,647 13
Paid this amount, expense account, -	$4,483 17¾	
Do do for losses, - - -	2,791 23	
Cash, balance, - - - -	372 72¼	
		$7,647 13

BALANCES.

DEBIT.

To bills receivable, - - - -	$31,043 82¾
To cash, - - - - - - -	372 72¼
To expense account, - - - - -	4,483 17¾
To profit and loss account, - - - -	2,791 23
	$38,690 95¾

CREDIT.

By premium account, - - - -	$38,263 20¾
By extra premium account, - - - -	19 75
By policy account, - - - - -	223 00
By J. I. Jacob, - - - - - -	37 50
By J. W. Anderson, - - - - -	147 50
	$38,690 95¾

On motion of Mr. Lewis,

Resolved, That William Tanner, the Editor of the Yeoman, be permitted to a seat within the bar of this House during the present session, for the purpose of reporting the proceedings of the same.

On motion of Mr. E. I. Bullock, leave was given to bring in a bill to provide for the appointment of Attorneys for this Commonwealth.

Ordered, That Messrs. E. I. Bullock, Calhoon, Bramlette and M. T. Chrisman, prepare and bring in the same.

And then the House adjourned.

MONDAY, JANUARY 3, 1842.

Mr. William S. Botts, a member returned to serve in this House from the county of Fleming; Mr. Reuben D. N. Morgan, the member returned from the county of Meade, appeared, and having produced certificates of their election, took the oath required by the constitution of the United States, and the constitution and laws of this State, repaired to their seats.

Mr. James Hays, the member returned to serve in this House from the counties of Knox and Harlan, appeared, and after having produced a certificate of his election, took the oath required by the constitution of the United States and of this State, but refused to take the oath against duelling, whereupon—

Resolved, That he be permited to take his seat.

1. Mr. Skiles presented the petition of sundry citizens, praying a repeal of the act of February 3, 1837, declaring Trammel's fork of Drake's creek a navigable stream.

2. Vawter presented the petition of Lucinda Clore, praying to be divorced from her husband, Benjamin Clore.

3. Mr. Barbour presented the petition of Mary Ann Mason, praying to be divorced from her husband, Basil B. Mason.

4. Mr. Munday presented the petition of William B. Graves and Esther Ann Graves, his wife, praying the passage of a law enabling them to convey a certain tract of land sold by them—the said Esther being an infant.

5. Mr. Browder presented the petition of Robert Neeley, adm'r of Pleasant Brooks, dec'd, praying the passage of a law authorizing a sale of certain real estate of said deceased, for the purpose of paying his debts.

6. Mr. Lewis presented the petition of Stacey Haynes, widow, and James Fitsworth, adm'r of George Haynes, dec'd, praying the passage of a law authorizing a sale of a certain slave belonging to the estate of said dec'd, and the investment of the proceeds in the purchase of a tract of land.

7. Mr. Skiles presented the petition of sundry citizens of Warren county, praying the passage of a law abolishing the Martinsville election precinct in

said county, and establishing an election precinct at the store-house of N. S. Strange, in said county.

8. Mr. W. N. Marshall presented the petition of Moses Blakeman, praying the passage of a law allowing him compensation for losses sustained at a lock and dam on Green river, in passing the same with his boat.

9. Mr. Lewis presented the petition of sundry citizens of Hickman and McCracken counties, praying the formation of a new county out of parts of said counties.

10. Mr. Fletcher presented the petition of sundry citizens of McCracken county, praying the establishment of a new county out of part of said county and the county of Hickman.

11. Mr. Thompson presented the petition of Sundry citizens of Bullitt county, praying a change of the place of voting in the Pine Tavern precinct in said county.

12. Mr. M. T. Chrisman presented the petition of sundry citizens of Wayne county, praying that our Senators and Representatives in Congress be instructed and requested to vote for a repeal of the Bankrupt Law.

13. Also, the petition of Matthew Neale, praying the passage of a law allowing him to keep a grocery or tavern in Monticello, without paying license.

14. Mr. B. Smith presented the petition of the Trustees of the Somerset Academy, praying the passage of a law directing the Sheriff of Pulaski county to pay over to said Academy certain moneys in his hands.

15. Mr. W. F. Bullock presented the petition of Maria C. Cardwell, praying to be divorced from her husband, Wm. J. Cardwell.

16. Mr. Martin presented the petition of William Alley, praying to be divorced from his wife, Sarah Alley.

17. Mr. Weir presented the petition of Cynthia Wester, praying to be divorced from her husband, Samuel Wester.

18. Mr. Thompson presented the petition of John E. Fisher, praying the passage of a law permitting him to increase the height of his mill dam across Salt River, at Clarke's Ripplè.

19. Mr. Lewis presented the petition of Thomas Jefferson Nolin, praying the passage of a law refunding the amount paid by him for a part of Island, No. 8, which was taken from him by laws afterwards enacted by the Legislature.

20. Mr. Forman presented the petition of sundry citizens of the town of Poplar Plains, praying the passage of a law legalizing the proceedings of the Trustees of said town.

21. Mr. Carlisle presented the petition of sundry citizens of Kenton county, in behalf of Matthew Cook, praying the passage of a law authorizing the county court of said county to appropriate to him seventy five dollars per annum for his support.

22. Mr. Brien presented the petition of sundry citizen of Calloway county, praying for the formation of a new county.

23. Also, the remonstrance of sundry citizens of said county against curtailing said new county.

24. Mr. Thompson presented the petition of sundry citizens of Bullitt county, praying that our Senators in Congress be instructed, and our Representatives be requested, to vote for the repeal of the Bankrupt Law.

25. Mr. McKee presented the petition of Alexander Johnson, praying to be divorced from his wife, Alcy Johnson.

26. Also, the petition of Jane Myers, widow of Lewis Myers, praying the passage of a law permitting her to remove her dower slaves from this State to Missouri.

27. Also, the petition of sundry citizens of the town of Lancaster, praying the passage of a law repealing the act of the last session, by which the power to license coffee houses in said town was taken from the Trustees.

28. Mr. Weir presented the petition of Maurice Moore, praying the passage of a law permitting him to build a fish dam on Pond river.

29. Mr. Lewis presented the petition of Enos Miles Carr, praying to be divroced from his wife, Mary Carr.

30. Also, the petition of Jerusha Foster, praying to be divorced from her husband, Madison Foster.

31. Also, the petition of Allen Moody, praying to be divorced from his wife, Ann Moody.

32. Mr. Thompson presented the petition of W. W. Bell, and others, in his behalf, praying the passage of a law allowing him to build a fish dam across Salt river.

33. Mr. Fletcher presented the petition of Betsey Reaves, praying to be divorced from her husband, William H. Reaves.

34. Also, the petition of William H. Reaves, praying to be divorced from his wife, Elizabeth Reaves.

35. Mr. Carpenter presented the petition of Elizabeth Gray, praying to be divorced from her husband, Judiah Gray.

36. Also, the petition of Thomas Sears, praying the passage of a law authorizing another inquest to be held, to determine whether Nancy Sears be an Idiot or Lunatic.

Which were received, the reading thereof dispensed with, (except the 8th, 14th, 18th, 19th,) and referred—the 1st, 9th, 10th, 13th, 21st, 22d and 23d to the committee on Propositions and Grievances; the 2d, 3d, 15th, 16th, 17th, 25th, 29th, 30th, 31st, 33d, 34th and 35th to the committee on Religion; the 4th, 5th, 6th, 19th, 20th, 26th, 27th and 36th to the committee for Courts of Justice; the 7th and 11th to the committe on Privileges and Elections; the 8th, 18th and 28th to the committee on Internal Improve-

ment; the 12th and 24thwere laid on the table; the 14th was referred to the committee on Education; and the 32d to Messrs. Thompson, Nuttall and Calhoon.

Mr. E. I. Bullock, from the select committee appointed to prepare and bring in the same, reported a bill to provide for the appointment of Commonwealth's Attorneys, which was read the first time and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with, it was referred to the committee for Courts of Justice.

Mr. Skiles moved the following resolutions, viz:

Resolved, That the practice of dissolving the marriage contract by legisgislative enactment, and upon ex parte testimony, has become a moral and political evil which imperiously calls for redress.

Resolved, That it is the duty of the Legislature, not only to discourage applications for divorces, but to compel those who are determined to rend this solemn engagement, to apply to the judicial tribunals of the country, where the testimony upon both sides can be heard, and strict justice be rendered alike to the weak and guileless as to the powerful and crafty.

Resolved, That all petitions for divorce, be referred to the comittee *for Courts of Justice*, with instructions to report unfavorably in every case where remedy is provided in the judicial tribunals of the country.

Mr. Vawter moved to amend the third resolution by striking out the words "for Courts of Justice," and inserting "on Religion,"

Mr. Craddock moved the following as a substitute for the resolutions and amendment:

Resolved, That the committee on Religion be instructed to report against all applications for a divorce, where a remedy is given in the tribunals of this State.

Mr. Dixon then moved to lay the resolutions and amendments on the table for the present.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Skiles and Nuttall, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Botts,	Dixon,	Noe,
Bowman,	Fible,	Nuttall,
Brawner,	Fletcher,	Paxton,
Brien,	Forman,	Sanders,
Brown, J. S.	Gaines,	Smith, B.
Brown, T. D.	Jefferson,	Smith, J. Speed
Buford,	Johnson, D. B.	Stone,
Calhoon,	Lewis,	Taylor,

Carlisle,	Lykins,	Vawter,
Chambers,	Martin,	Wakefield,
Conklin,	Morgan,	Wickliffe, R. L.
Conway,	Munday,	Young—37.
Cornish,		

Those who voted in the negative were—

Mr. Speaker,	Flournoy,	Owsley,
Messrs. Barbour,	Garnett,	Petree,
Barnett,	Gholson,	Prewitt,
Biggs,	Gilliam,	Rouse,
Bramlette,	Graham,	Rumsey,
Browder,	Harrison,	Skiles,
Bullock, E. I.	Hays,	Swope,
Bullock, W. F.	Holbrook,	Thomasson,
Busby,	Innes,	Thompson,
Carpenter,	Ireland,	Triplett,
Chism,	Karrick,	Todd,
Chowning,	Kennedy, J.	Vance,
Chrisman, G. T.	Kennedy, W.	Wand,
Chrisman, M. T.	Kinkead,	Weir,
Clarke,	Kirtley,	Whaley,
Coombs,	Marshall, W. C.	White, D.
Cox,	Marshall, W. N.	White, J.
Craddock,	McCann,	Wickliffe, R.
Cummins,	McKee,	Wolfe—59.
Drake,	Morin,	

Mr. Skiles accepted of the amendment proposed by Mr. Vawter.

Mr. Craddock then withdrew his amendment.

Mr. W. F. Bullock moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

The main question was then taken on the adoption of the resolutions, and decided in the affirmative.

Mr. Dixon moved the following resolution, viz:

Resolved, That so much of the Governor's message as relates to the portion of this State, of the proceeds of the sales of the public lands under the late act of Congress, "entitled an act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," be referred to the committee on Ways and Means, with instructions to report a bill, authorizing the application of said portion to the payment of the principal of the debts created for Internal Improvement, by the purchase of the outstanding bonds of the State.

On motion of Mr. Dixon,

Ordered, That said resolution lie on the table for the present.

Mr. E. I. Bullock moved the following resolution, viz:

Resolved, That the committee for Courts of Justice enquire into the expediency of so amending an act, entitled, an act to reduce into one the several attachment laws, &c., approved February 20, 1839, as to require all applicants, before they shall be permitted to obtain an attachment under any of the provisions of that act, to make oath to the amount probably due, and that there is just reason to believe that the debtor, against whom the attachment is required, is about to remove his property out of the Commonwealth, or do some other act, to evade the payment of his debt; and report by bill or otherwise.

Which being twice read was adopted.

Mr. J. Speed Smith moved the following resolution, viz:

Resolved, That the committee for Courts of Justice be instructed to bring in a bill, more effectually to prevent usury.

Which being twice read was adopted.

Mr. Conway moved the following resolution, viz:

Resovled, That the committee on the Sinking Fund be instructed to enquire into the expediency of establishing a Sinking Fund Bank, to facilitate the payment of the State debt.

Which being twice read was adopted.

Leave was given to bring in the following bills, viz:

On motion of Mr. R. Wickliffe, Jr.—1. A bill for the benefit of William Stanhope.

On motion of Mr. R. Logan Wickliffe—2. A bill to amend an act, entitled, an act more effectually to guard the occupant of land.

On motion of Mr. Thompson—3. A bill authorizing the summoning of a grand and petit jury for the April term, 1842, of the Bullitt circuit court.

On motion of Mr. M. T. Chrisman—4. A bill allowing an additional Justice of the Peace to the county of Wayne.

On motion of Mr. William F. Bullock—5. A bill to establish the Kentucky Institution, for the education of the blind.

On motion of Mr. J. Speed Smith—6. A bill to regulate elections, and the better to secure and protect the elective franchise.

On motion of Mr. Craddock—7. A bill authorizing a review of a way for a road from a convenient point on the Green river turnpike road, in Hart county, in a direction to the Mammoth Cave, in Edmonson county.

On motion of Mr. Buford—8. A bill more effectually to suppress riots, and breaches of the peace, in this Commonwealth.

On motion of J. S. Brown—9. A bill to entitle Owen county to an additional Justice of the Peace.

On motion of Mr. Brien—10. A bill for the benefit of the Sheriff of Calloway county.

On motion of Mr. Carlisle—11. A bill for the benefit of Thomas G. Tupman.

On motion of Mr. J. Kennedy—12. A bill to restrict the right of voting, at the several election precincts in Bourbon county, to one day.

On motion of Mr. Rumsey—13. A bill to amend the law requiring Justices of the Peace, to report to the county courts concerning fines and forfeitures.

On motion of Mr. Thompson—14. A bill for the benefit of the Sheriff of Bullitt county.

Ordered, That the committee for Courts of Justice prepare and bring in the 1st and 18th; Messrs. R. Logan Wickliffe, Calhoon, McKee and Kinkead the 2d; Messrs. Thompson, Calhoon and Morgan the 3d: Messrs. M. T. Chrisman, Bramlette and Chism the 4th; the committee on Education the 5th; Messrs. J. Speed Smith, Calhoon and Nuttall the 6th; Messrs. Craddock, Chambers and M. T. Chrisman the 7th; Messrs. J. S. Brown, Lewis and Ireland the 9th; Messrs. Brien, W. N. Marshall and Lewis the 10th; the committee on Military Affairs the 11th; Messrs. J. Kennedy, Whaley and Young the 12th; Messrs. Rumsey, Weir and M. T. Chrisman the 13th; and Messrs. Thompson, Carlisle and D. B. Johnson the 14th.

Mr. Fletcher moved the following resolution, viz:

Resolved, That the committee for Courts of Justice be instructed to enquire into the expediency of imposing a tax on Exchange Brokers.

Which being twice read was adopted.

The Speaker laid before the House the annual report of the Second Auditor of Public Accounts, which is as follows, to wit:

REVENUE DEPARTMENT,
AUDITOR'S OFFICE, KY.,
Frankfort, January 3, 1842.

DEAR SIR:

I enclose the annual report from this department.

Very respectfully, your ob't ser'vt,
THOS. S. PAGE, *Second Auditor.*

To the Hon. C. S. MOREHEAD,
Speaker of the House of Representatives.

[*For the Report—see Legislative Documents.*]

Ordered, That the Public Printer forthwith print 150 copies of said Report for the use of the members of the General Assembly.

The House then took up for consideration the resolutions proposed by Mr. Nuttall on the 31st December.

Mr. W. F. Bullock moved an amendment to said resolutions.

Ordered, That said resolutions and amendment be referred to Messrs. Chambers, Nuttall, Dixon, Calhoon, J. Speed Smith, Kinkead and W. F. Bullock.

Mr. Thomasson read and laid on the table the following resolutions, viz:

Resolved, by the General Assembly of the Commonwealth of Kentucky, That the Constitution of the United States should be amended:

1st. That the President shall not be eligible for two consecutive terms.

2d. No member of Congress shall be appointed to any office, or appointment, of honor, trust or profit, under the General Government, during the time for which he may have been elected, unless in the army or navy, in time of war.

3d. That the power of the President to remove from office shall be confined to the heads of department, and those employed in foreign service; but that for cause assigned, he may suspend any officer, until the Senate may advise for and against his removal.

4th. That the Governor be requested to forward a copy of the foregoing resolutions to each of our Senators and Representatives in Congress, and to the Executives of the several States; and that the Executives be respectfully requested to lay said resolutions before their respective Legislatures.

Mr. W. F. Bullock moved the following resolution, viz:

Resolved, That the use of the Hall of the House of Representatives be tendered to the ladies of Frankfort, on Thursday evening, the 6th instant, for the purpose of conducting a Concert.

And then the House adjourned.

TUESDAY, JANUARY 4, 1842.

Ordered, That a Committee of Propositions and Grievances be appointed: and a committee was appointed, consisting of Messrs. Thomasson, Clarke, Biggs, Sanders, Wand, Coombs and Barnett; who are to meet and and adjourn from day to day, and take into consideration all Propositions and Grievances which may legally come before them, and all such matters as shall, from time to time, be referred to them, and report their proceedings to this House; and said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a Committee of Privileges and Elections be appointed: and a committee was appointed, consisting of Messrs. W. N. Marshall, Brien, Flournoy, Welch, Lykins, Brawner and Rouse; who are to meet and adjourn from day to day, and take into consideration and examine all returns for members returned to serve in this House during the present session of the General Assembly, and all questions concerning privileges and elections, and report their proceedings, with their opinion thereon, to this

House; and said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a Committee on Claims be appointed: and a committee was appointed, consisting of Messrs. Craddock, Innes, Thompson, M. T. Chrisman, Martin, Chism and McCann; who are to meet and adjourn from day to day, and take into consideration all Public Claims, and all other matters that may, from time to time, be referred to them, and report their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a Committee for Courts of Justice be appointed: and a committee was appointed, consisting of Messrs. Calhoon, Nuttall, McKee, R. Wickliffe, Jr., Kinkead, E. I. Bullock and Vawter; who are to meet and adjourn from day to day, and take into consideration all matters relating to Courts of Justice, and such other as may, from time to time, be referred to them, and report their proceedings, with their opinion thereon, to this House; and said committee are to inspect the Journal of the last session, and draw up a statement of the matters there pending and undetermined, and the progress made therein; also, to examine what laws have expired since the last session, and inspect such temporary laws as will expire with this, or are now expiring, and report the same to the House, with their opinion thereon, which of them ought to be renewed and continued; and the said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a Committee on Religion be appointed: and a committee was appointed, consisting of Messrs. Browder, Triplett, Jesse Kennedy, Carpenter, Gholson, Barbour and Petree; who are to meet and adjourn from day to day, and take into consideration all matters and things relating to Religion and Morality, and such others as may, from time to time, be referred to them, and report their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a Committee of Ways and Means be appointed: and a committee was appointed, consisting of Messrs. Vance, Holbrook, G. T. Chrisman, Graham, Conklin, Kirtley and Prewitt; who are to meet and adjourn from day to day, and take into consideration the revenue laws of this Commonwealth, and all other matters relative to, or connected with, the fiscal concerns thereof, and such others as may be, from time to time, referred to them, and report their proceedings, with their opinion thereon, to this house; and said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a Committee on Internal Improvement be appointed: and a committee was appointed, consisting of Messrs. Skiles, W. F. Bullock,

Swope, Garnett, Conway, Buford, Cox, Owsley, Young, D. White, B. Smith and Carlisle; who are to meet and adjourn from day to day, and take into consideration all matters and things relating to the improvement of the condition of the country by roads and canals, and such others as may legally come before them, or be referred to them, reporting their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a Committee on Education be appointed: and a committee was appointed, consisting of Messrs. W. F. Bullock, R. Logan Wickliffe, Weir, Rumsey, Taylor, Morin and Gilliam; who are to meet and adjourn from day to day, and take into consideration all matters and things relating to Education and the subjects immediately connected therewith, and such other as may, from time to time, be referred to them, reporting their proceedings, and their opinion thereon, to this House; and said committee shall have power to send for persons, papers and records.

Ordered, That a Committee on Military Affairs be appointed: and a committee was appointed, consisting of Messrs. Cornish, Cummins, Munday, Paxton, Bowman, Fible and Chowning; who are to meet and adjourn from day to day, and take into consideration the militia laws of this Commonwealth, and all matters in relation to the militia, and such other as may, from time to time, be referred to them, reporting their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a Committee on the Expenditures of the Board of Internal Improvement be appointed: and a committee was appointed, consisting of Messrs. Todd, Fletcher, Morgan, T. D. Brown, Forman, Drake and Busby; who are to meet and adjourn from time to time, and take into consideration all matters in relation to the expenditure of money by the Board of Internal Improvement, and such other as may be, from time to time, referred to them, and report their proceedings thereon, with their opinion, to this House; and said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a Committee on the Penitentiary be appointed: and a committee was appointed, consisting of Messrs. Vawter, Harrison, J. S. Brown, Jefferson, Ireland, D. B. Johnson and Karrick; who are to meet and adjourn from day to day, and take into consideration all matters and things in relation to the Penitentiary, and such other as may, from time to time, be referred to them, and report their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a Committee on Agriculture and Manufactures be appointed: and a committee was appointed, consisting of Messrs. J. Kennedy, Wakefield, Flournoy, Munday, Wolfe, J. White and Whaley; who are to meet and adjourn from day to day, and take into consideration all matters and things in relation to Agriculture and Manufactures, and such other as may, from time to time, be referred to them, and report their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a Committee on Banks be appointed: and a committe was appointed, consisting of Messrs. J. Speed Smith, R. M. Johnson, W. C. Marshall and Todd; who are to meet and adjourn from day to day, and examine, within the first thirty days of the session, the condition of all the Banks in the State, the amount of loans on the aggregate, and the proportion to the country, cities and towns, and the amount loaned to the directors, and their liabilities on bills of exchange; and the several amounts the fifty highest debtors owe in the cities; and enquire into, and report all facts necessary to a complete understanding of their management, and such other matters in relation thereto, as may, from time to time, be referred to them, and report their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a Committee on the Sinking Fund be appointed: and a committee was appointed, consisting of Messrs. Dixon, Chambers, Bramlette, M. T. Chrisman, Gaines, Noe and Botts; who are to meet and adjourn from day to day, and take under consideration all matters in relation to the Sinking Fund, and such other as may, from time to time, be referred to them, and report their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a Committee on the Library be appointed: and a committee was appointed, consisting of Messrs. Cox, Rumsey, Botts, Hays, Owsley, Gilliam and Clark; who are to meet and adjourn from day to day, and take into consideration all matters and things relating to the public library, and such other as may, from time, be referred to them, and report their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a Committee on Public Offices be appointed: and a committee was appointed, consisting of Messrs. Chambers, Weir, Stone, Hays, Barbour, Karrick and Lewis; who are to meet and adjourn from day to day, and examine into the public offices, and report their situation and their proceedings, with their opinion thereon, to this House; and said committee

shall have power to send for persons, papers and records, for their information.

1. Mr. R. L. Wickliffe presented the petition of sundry citizens of Bullitt county, praying that the Pine Tavern election precinct, in said county, be continued at the place where it now is.

2. Mr. Lykins presented the petition of Elizabeth King, praying to be divorced from her husband, Hiram King.

3. Mr. Chism presented the petition of Peter Stephens, praying the passage of a law permitting him to retail spirits without license.

4. Mr. Garnett presented the petition of James Tapp, praying that his name be changed to that of James H. Marshall.

5. Mr. Browder presented the petition of John Hockersmith, praying that additional compensation be allowed him for distributing the Acts and Journals, &c., in the year 1840.

6. Mr. Vawter presented the petition of Thomas Rout and others, praying the passage of a law authorizing conveyances to be made by the infant heirs of Wm. Rout, dec'd, for lands sold by said deceased in his lifetime.

7. Mr. Morgan presented the petition of John Skillman, praying to be divorced from his wife, Polly Skillman.

8. Also, the petition of George Greenwell and others, praying the passage of a law authorizing said Greenwell, as guardian of J. Q. Adams, an infant, to sell and convey a tract of land belonging to his ward.

9. Mr. Garnett presented the petition of John Brockman, adm'r of the estate of Garland Aikin, dec'd, praying the passage of a law authorizing a sale of certain real estate of said deceased, for the purpose of paying his debts.

10. Also, the petition of Samuel Murrell, guardian of the infant children of John H. Bigger, praying the passage of a law authorizing a sale of certain lands owned by said infant children.

11. Mr. Lykins presented the petition of Nancy Howerton, praying to be divorced from her husband, Jackson Howerton.

12. Mr. Munday presented the petition of sundry citizens of Madison county, praying a change in the place of voting in the Big Hill election precinct, in said county.

13. Mr. Dixon presented the petition of Henry Payne, praying to be released from the payment of a judgment of the general court against him, (except the costs,) for failing to return certain public arms.

14. Also, the petition of Jacob Elses, praying that the sum of ninety dollars be refunded to him, he having been compelled to pay that sum improperly for licenses to peddle goods, &c.

15. Mr. Flournoy presented the petition of Edmund P. Gaines, praying to be divorced from his wife, Sarah L. Gaines.

16. Also, the petition of Caden Harold and Elizabeth, his wife, praying to be divorced from each other.

17. Also, the petition of Polly Trotter, praying to be divorced from her husband, Robert Trotter.

18. Mr. Weir presented the memorial of sundry citizens of Muhlenburg county, praying that our Senators and Representatives in Congress be requested to vote for a repeal of the Bankrupt Law.

19. Also, the petition of William Luce and Jack Luce, praying the passage of a law releasing them from part of their donation to the State, of of lands, for the site of a lock and dam on Green river.

20. Mr. Botts presented the petition of sundry citizens of Fleming county, praying the passage of a law authorizing the county court of said county to make an appropriation for the support of William Taylor.

21. Also, the petition of Ann Hart, praying the passage of a law legalizing the will of her husband.

22. Mr. Vance presented the memorial of sundry citizens of Jefferson county, praying that our Senators and Representatives in Congress be intructed and requested to vote for a repeal of the Bankrupt Law.

23. Also the petition of Martha J. Pearce, praying to be divorced from her husband, Thomas J. Pearce; and also, to be divorced from Elvy Risley, with whom she had married, believing the said Pearce to be dead.

24. Mr. Flournoy presented the petition of sundry citizens of the town of Princeton, praying the passage of a law authorizing the Trustees of Princeton Seminary to rent out their property.

25. Mr. Welch presented the petition of Sarah Wretherford, praying to be divorced from her husband, Fountain Wretherford.

26. Mr. W. F. Bullock presented the petition of the infant heirs of Reuben Canterberry, dec'd, by their guardians, praying a sale of the real estate owned by them.

27. Mr. Cummins presented the petition of sundry citizens of Barren county, praying the passage of a law permitting Richmond Robinson to build a mill dam across Littte Barren river.

28. Also, the remonstrance of Andrew Slinker, against the prayer of the petition of sundry citizens of Barren county, in behalf of Richmond Robinson, for the erection of a mill dam across Little Barren river.

29. Mr. Berry Smith presented the petition of Martha Cowan, praying the passage of a law authorizing Seburn Crutchfield to convey to Christley Tarter a tract of land, purchased of said Crutchfield by her deceased husband.

30. Mr. Noe presented the petition of sundry citizens of Canton, in Trigg county, praying the passage of a law reducing the limits of said town, so as exclude lots Nos. 9, 11, 13 and 15, on Jefferson street.

31. Mr. Chambers presented the petition of John Smith, praying to be divorced from his wife, Rebecca Ann Smith.

Which were received, the reading thereof dispensed with, and referred—the 1st, to the committe on Privileges and Elections; the 2d, 7th, 11th, 15th, 16th, 17th, 23d, 25th and 31st to the committee on Religion; the 3d, 4th, 13th, 14th and 30th to the committee on Propositions and Grievances; the 5th to the committee on Claims; the 6th, 8th, 9th, 10th, 19th, 21st, 26th and 29th to the committee for Courts of Justice; the 12th to Messrs. Munday, J. Speed Smith, Buford and Kirtley; the 18th and 22d to Messrs. Chambers, Nuttall, Dixon, Calhoon, J. Speed Smith, Kinkead and W. F. Bullock; the 20th to Messrs. Botts, Forman and W. C. Marshall; the 24th to Messrs. Flournoy, Skiles, Harrison and Fletcher; and the 27th and 28th to the committee on Internal Improvement.

The Speaker laid before the House the annual report of the Treasurer, which is as follows, to wit:

STATE OF KENTUCKY,
Treasury Office, January 4, 1842.

SIR:

You will please lay before the House the accompanying report from this department.

Very respectfully, your obedient servant,
JAMES DAVIDSON, *Treasurer.*

To the Hon. C. S. MOREHEAD,
Speaker of the House of Representatives.

[*For the Report—see Legislative Documents.*]

Ordered, That the Public Printer forthwith print 150 copies of said report for the use of the members of the General Assembly.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. M. T. Chrisman—1. A bill to allow additional Justices of the Peace to Wayne and Owen counties.

By Mr. Triplett—2. A bill for the benefit of William H. Bransford.

Which were read the first time and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, ths 1st was ordered to be engrossed and read a third time, and the 2d was referred to the committee for Courts of Justice.

The rule of the House, constitutional provision and third reading of the 1st bill having been dispensed, and the same being engrossed,

Resolved, That the same do pass, and that the title thereof be as aforesaid.

Mr. Martin moved the following resolution, viz:

Resolved, That the committee for Courts of Justice be instructed to enquire into the expediency of branching the Court of Appeals.

Which being twice read was adopted.

Mr. Swope moved the following resolution, viz:

Resolved, That the committee for Courts of Justice be instructed to enquire into the expediency and propriety of so amending the penal laws of this Commonwealth, as to punish with death, robbery, from the person, accompanied with intent to take life.

Which being twice read was adopted.

Mr. R. Wickliffe Jr., moved the following resolution, viz:

Resolved, That the use of the Hall of the House of Representatives be granted to Thomas Mooney, for the purpose of delivering a discourse on the present condition of Ireland, on Monday evening, the 5th instant.

Which being twice read was adopted.

Mr. R. Wickliffe, Jr. read and laid on the table the following joint resolutions, viz:

Resolved, by the General Assembly of the Commonwealth of Kentucky, That the manifesto, issued at the late extra session of Congress, by a portion of the Whig Senators and Representatives, contains doctrines novel, dangerous, and subversive of the checks and balances of our present happy system of government: that the good people of this Commonwealth are not only satisfied, but well pleased with the constitution of the United States as it now stands; and the opinion is hereby expressed to our Senators and Representatives in Congress, that no innovation should be made in that instrument, by which the appointment of the Secretary of the Treasury will be transferred to Congress, or the veto power restrained or abrogated.

Leave was given to bring in the following bills, viz:

On motion of Mr. Wickliffe, Jr.—1. A bill for the benefit of Edward W. Dowden.

On motion of Mr. E. I. Bullock—2. A bill to amend the several laws now in force regulating trials of the right of property.

On motion of Mr. McKee—3. A bill to regulate the salaries of certain officers of this Commonwealth, and to increase the resources of the Sinking Fund.

On motion of Mr. Flournoy—4. A bill legalizing the vote in certain school districts, in Caldwell county.

On motion of Mr. Dixon—5. A bill to amend the several acts to suppress the practice of duelling.

On motion of Mr. Rouse—6. A bill to change the time fixed for the assessment of fines for the 110th regiment of Kentucky militia.

On motion of Mr. Taylor—7. A bill for the benefit of Thomas Dabney.

On motion of Mr. McCann—8. A bill to amend an act, entitled, an act directing the county courts to appoint patrolles.

On motion of Mr. D. White—9. A bill for the benefit of the Sheriff of Clay county.

On motion of Mr. Buford—10. A bill to establish a road from the mouth of Laurel river, through London, to Bates' salt well, in Clay county.

On motion of Mr. Martin—11. A bill to amend an act, entitled, an act to amend the second section of an act of 1835, appropriating the vacant lands of this Commonwealth, north and east of the Tennessee river, to the counties in which they lie, for internal improvements, approved February 21, 1837.

On motion of Mr. Bramlette—12. A bill for the benefit of Mary Matlock, of Cumberland county.

On motion of Mr. J. S. Brown—13. A bill for the benefit of the Sheriff Owen county.

On motion of Mr. Weir—14. A bill for the benefit of Solomon Rhodes, former Sheriff of Muhlenburg county.

On motion of Mr. E. I. Bullock—15. A bill for the benefit of Benjamin W. Graves, of Russell county.

On motion of Mr. Buford—16. A bill to increase the pay of Grand Jurors of this Commonwealth.

On motion of Mr. Harrison—17. A bill for the benefit of the Sheriff of Christian county, and for other purposes.

On motion of Mr. Swope—18. A bill for the benefit of John Carlile.

On motion of Mr. Rumsey—19. A bill for the benefit of the Sheriff of Ohio county.

On motion of Mr. B. Smith—20. A bill for the benefit of the former Sheriff of Pulaski county.

Ordered, That the committee for Courts of Justice prepare and bring in the 1st, 5th, 7th, 9th, 11th, 14th, 16th, 17th and 20th; Messrs. E. I. Bullock, Hays and Bramlette the 2d; Messrs. McKee, R. L. Wickliffe, Graham and Owsley the 3d; Messrs. Flourney, Browder, Barbour and Clarke the 4th; Messrs. Rouse, Biggs and Holbrook the 6th; Messrs. McCann, Vawter, Prewitt and R. L. Wickliffe the 8th; the committee on Internal Improvement the 10th: the committee on Religion the 12th; Messrs. J. S. Brown, Lewis and Nuttall the 13th; the committee on Propositions and Grievances the 15th; the committee on Ways and Means the 18th; and Messrs. Rumsey, Todd and Whaley the 19th.

On motion of Mr. Browder,

Resolved, That the committee for Courts of Justice be instructed to enquire into the expediency of so amending the several acts of this Commonwealth relating to Pedlars, as to reduce them into one; and also, as to the propriety of increasing the sum required for license; and that each Pedlar be required to procure license in each county in which they may peddle, any partnership existing between them notwithstanding.

On motion of Mr. Kinkead,

Resolved, That the use of this Hall be tendered to the Rev'd Messrs. Stiles and Black for public worship, on Sunday the 9th instant.

On motion of Mr. Chambers,

Ordered, That the Public Printer forthwith print 150 copies of the resolution, proposed on yesterday by Mr. Dixon, for the use of the members of the General Assembly.

The House then took up for consideration the resolutions proposed on yesterday by Mr. Thomasson.

On motion,

Ordered, That said resolutions be referred to a committee of the whole House for Monday next, and that the Public Printer forthwith print 150 copies of said resolutions for the use of the members of the General Assembly.

Mr. Skiles moved the following preamble and resolution, viz:

WHEREAS, Great want of uniformity prevails throughout this Commonwealth in the valuation of real estate, under the present revenue laws, by which the estates of individuals residing in the same county are often valued unequally, from the difference of opinion existing between the different Commissioners of tax: *And whereas*, It is believed that the revenue can be be increased and the burthen of tax more equally distributed, without increasing the nominal amount of taxation, by introducing a better mode of valuation—Therefore,

Resolved, That the committee on Ways and Means be instructed to enquire into the evil, and for remedy thereof, report by bill or otherwise.

Which being twice read was adopted.

And then the House adjourned.

WEDNESDAY, JANUARY 5, 1842.

Mr. Elezemond Basye, a member returned to serve in this House from the county of Bourbon, appeared and produced a certificate of his election, and having taken the several oaths required by law, took his seat.

1. Mr. Dixon presented the petition of sundry citizens of Hopkins, Henderson and Daviess counties, praying the establishment of a new county out of parts of said counties.

2. Mr. Lykins presented the petition of sundry citizens of Morgan county, praying the passnge of a law establishing an election precinct on Triplett's creek, in said county.

3. Mr. Flournoy presented the petition of William Johnson, praying to be released from a judgment of the general court against him, for failing to return certain public arms.

4. Mr. Browder presented the petition of Edward Violett, Terry Starks and George W. Smith, praying to be released from the penalties of a bond, executed by them as securities of Henry Smith to the State, for the return of public arms.

5. Mr. Morin presented the petition of Samuel W. Weaver, praying to be divorced from his wife, Maria Weaver.

6. Mr. Garnett presented the petition of Jane Mays, praying the passage of a law changing her name to that of Jane Dodd.

7. Mr. Young presented the petition of James W. Porter, praying the passage of a law permitting the county court of Bath county to appoint him a Constable thereof.

8. Mr. Chambers presented the remonstrance of James Weir, against the granting of a divorce to his wife, Elizabeth Weir.

9. Mr. Busby presented the petition of sundry citizens of Washington county, praying an amendment of the laws against usury.

Which petitions and remonstrance were received, the reading thereof dispensed with, and referred—the 1st and 6th to the committee of Propositions and Grievances; the 2d to the committee on Privileges and Elections; the 3d to Messrs. Flournoy, Kirtley, Hays and Buford; the 4th to the committee on Military Affairs; the 5th and 8th to the committee on Religion; and the 7th and 9th to the committee for Courts of Justice.

On motion of Mr. Todd,

Ordered, That he be excused from serving on the committee on Banks.

On motion of Mr. J. Speed Smith,

Ordered, That Mr. Basye be appointed on the committee on Banks.

The Speaker laid before the House the annual report of the Keeper of the Penitentiary.

[*For the Report—see Legislative Documents.*]

Ordered, That the Public Printer forthwith print 150 copies of said report for the use of the members of the General Assembly.

Mr. E. I. Bullock, from the committee for Courts of Justice, to whom was referred a bill to provide for the appointment of Commonwealth's Attorneys—reported the same, with an amendment, which was concurred in.

Ordered, That said bill, as amended, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid

Mr. Kinkead, from the same committee, to whom was referred the petition of Haynes and Fitzworth—reported the same, with the following resolution:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. Vawter, from the same committee, to whom was referred the petition of Robert Neely—reported the same, with the following resolution:

Resolved, That the said petition be rejected.

Which was concurred in.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee for Courts of Justice—1. A bill for the benefit of Nancy Sears.

By same—2. A bill to legalize the proceedings of the Trustees of the town of Poplar Plains, in the county of Fleming.

By same—3. A bill for the benefit of William Stanhope.

By Mr. Innes—4. A bill for the benefit of George H. and Sarah Jane Million.

By Mr. Craddock—5. A bill to establish a road from some convenient point on the Green River Turnpike Road, to the Edmonson county line, in a direction to the Mammoth Cave.

By Mr. J. Kennedy—6. A bill to restrict the right of voting at the several election precincts, in Bourbon county, to one day, and for other purposes.

By Mr. Thompson—7. A bill for the benefit of William W. Bell.

Which were read the first time and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 2d, 3d and 5th were severally ordered to be engrossed and read a third time; the 4th was referred to the committee for Courts of Justice; the 6th to Messrs. J. Speed Smith, Nuttall, Calhoon and J. Kennedy, and the 7th to the committee on Internal Improvement.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 3d and 5th bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the Senate announcing that they had passed bills of the following titles, viz:

An act to amend the charter of the city of Maysville.

An act amending the act, authorizing the Clarke county court to appoint a Treasurer, approved February 20, 1839.

And preamble and resolutions from the House in relation to American citizens captured by Mexico.

And had received official information that the Governor had, on the 31st December, 1841, approved and signed a bill which originated in the Senate, entitled, an act to extend the charter of the Bank of the Commonwealth of Kentucky.

Mr. Chambers, from the select committee, to whom was referred the resolutions of Mr. Nuttall in relation to the repeal of the Bankrupt Law, and the amendment of Mr. Wm. F. Bullock in relation to the proceeds of the Public Lands—reported the same, with an amendment, as a substitute for the original resolutions and the amendment. Said substitute is as follows:

WHEREAS, The Legislature of Kentucky, while they are sensible of the many excellent reasons existing in favor of a well organized system of bankruptcy in a nation so commercial as ours, and are, therefore, unwilling to express an opinion condemnatory of the feeling and principle which prompted the enactment of the Bankrupt Law at the late extra session of Congress, they believe that that law contains features which are seriously objectionable to a large majority of the people of Kentucky, and would, in its operation, produce results injurious to the best interests of the State. The act providing for the distribution of the proceeds of the sale of the public lands among the several States and Territories, your committee cannot but deem the offspring of a policy wise and beneficent, and having its foundation in the strictest principles of justice. A portion of the public domain was acquired at the price of the best blood and common treasure of the nation; another portion was ceded to the *United States* by individual States, which had claims to it "*as a common fund for the use and benefit of all the States*;" and now, when it is so manifestly the true policy of the General Government to exercise its constitutional power to lay duties upon foreign imports at least to an amount, equal to the wants of the Treasury; and when, by the mistaken policy of the General Government and their own unguarded legislation, many of the States are deeply involved in debt, and their citizens suffering under the combined evils of a deranged and depreciated currency, low prices for the products of their labour, and heavy and grievous taxation, the application of this "common fund," to "the use and benefit of all the States," is deemed peculiarly appropriate and well-timed—Wherefore,

1st. *Resolved*, That in the opinion of the General Assembly of the Commonwealth of Kentucky, it is the desire of a large majority of the people of Kentucky, that the Bankrupt Law, enacted at the late extra session of Congress, shall be repealed.

2d. *Resolved, further*, That our Senators in Congress be, and they are hereby instructed, and our Representatives requested, to use their influence to have said law repealed.

3d. *Resolved*, That this General Assembly deems the act passed at the late extra session of Congress, distributing the proceeds of the sales of the public lands among the several States, justified by every consideration of

sound policy and public justice, and views, with the deepest concern, any attempt to obtain its repeal, and thus disappoint the just expectations of the American people.

4th. *Resolved further*, That the Governor be, and he is hereby requested, to forward a copy of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress.

The question was then taken on the adoption of the substitute, and decided in the affirmative.

The question was then taken on the adoption of the 1st and 2d resolutions, and decided in the affirmative.

The question was then taken on the adoption of the 3d resolution, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. Innes and Lewis, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Cummins,	Owsley,
Messrs. Barbour,	Dixon,	Petree,
Basye,	Drake,	Prewitt,
Biggs,	Fible,	Rouse,
Botts,	Fletcher,	Rumsey,
Bowman,	Garnett,	Sanders,
Bramlette,	Gholson,	Skiles,
Brawner,	Gilliam,	Smith, B.
Browder,	Graham,	Stone,
Brown, T. D.	Harrison,	Swope,
Buford,	Hays,	Thomasson,
Bullock, E. I.	Holbrook,	Thompson,
Bullock, W. F.	Innes,	Triplett,
Busby,	Jefferson,	Todd,
Calhoon,	Karrick,	Vance,
Carpenter,	Kennedy, J.	Vawter,
Chambers,	Kennedy, W.	Wakefield,
Chism,	Kinkead,	Wand,
Chrisman, G. T.	Kirtley,	Weir,
Chrisman, M. T.	Marshall, W. C.	Welch,
Clarke,	McCann,	Whaley,
Coombs,	McKee,	White, D.
Conklin,	Morgan,	Wickliffe, R.
Conway,	Morin,	Wickliffe, R. L.
Cox,	Munday,	Wolfe—76.
Craddock,		

Those who voted in the negative were—

Messrs. Barnett,	Gaines,	Martin,
Brien,	Ireland,	Noe,
Brown, J. S.	Johnson, D. B.	Nuttall,
Carlisle,	Johnson, R. M.	Paxton,

Chowning,	Lewis,	Taylor,
Cornish,	Lykins,	White, J.
Flournoy,	Marshall, W. N.	Young—21.

The question was then taken on the adoption of the 4th resolution, and decided in the affirmative.

The question was then taken on the adoption of the preamble, and decided in the affirmative.

On motion of Mr. Thomasson,

Resolved, That the Committee for Courts of Justice be instructed to enquire into the expediency and propriety of placing sales of real estate under mortgage upon the footing of sales on execution, as to redemption. That the committee also enquire into the propriety of abolishing the power of the Chancellor to enforce his decrees by attachment, except in cases of fraud.

On motion of Mr. Barbour.

Resolved, That the Committee for Courts of Justice be instructed to take into consideration the laws now in force in relation to divorces; and if necessary, amend them so as to place within the Jurisdiction of the circuit courts, all cases in which it is proper that a divorce be obtained.

Mr. Skiles moved the following resolution, viz:

Resolved, The the committee on Internal Improvement be instructed to report unfavorably on all petitions for building mill or fish dams, or throwing any other obstruction into streams heretofore declared navigable, unless said act has been repealed; and in all cases where expenditures have actually been made by the Commonwealth for removing obstructions, or opening the navigation of the stream, upon which the erection of said dams or other obstructions are desired.

And the question being taken on the adoption thereof, it was decided in the negative.

On motion of Mr. Clarke,

Resolved, That a committee be appointed to enquire into the expediency of dispensing with the services of all the Engineers now in the service of the State, except one, whose duty it shall be to superintend all the public works now in a state of construction, and report to this House.

Whereupon, Messrs. Clark, Dixon and Chambers, were appointed a committee in pursuance of said resolution.

Leave was given to bring in the following bills, viz:

On motion of Mr. R. Wickliffe, Jr.—1. A bill to amend an act, entitled, an act to establish a system of Common Schools in the State of Kentucky.

On motion of Mr. Dixon—2. A bill the better to provide for the recording of foreign wills.

On motion of same—3. A bill to change the place of voting in an election precinct in the county of Henderson, and to establish an election precint, in said county, at Steam Port.

On motion of Mr. Gaines—4. A bill to repeal so much of an act, entitled, an act to amend an act to provide for the improvement of the road from

Franklin county to the Crab Orchard, in Lincoln county, as authorizes the establishing a gate at the blacksmith's shop, near the widow Misner's, and gate at the junction of the Buckley's ferry road, near Lawrenceburg.

On motion of Mr. R. L. Wickliffe—5. A bill to amend an act, entitled, an act providing that the estates of persons dying without heirs or distributees, shall vest in the Commonwealth, and for other purposes.

On motion of Mr. Craddock—6. A bill to amend the law in relation to Constables, and for other purposes.

On motion of Mr. M. T. Chrisman—7. A bill for the benefit of Matthew Neale, of Wayne county.

On motion of Mr. Kinkead—8. A bill concerning the Court of Appeals.

On motion of Mr. B. Smith—9. A bill to legitimize several children, and change their names from Elrod to Stegall.

On motion of Mr. Brawner—10. A bill for the relief of G. L. Ballinger, Clerk of the Whitley circuit court.

On motion of Mr. Bowman—11. A bill for the benefit of Rebecca Davis, of Casey county.

On motion of Mr. E. I. Bullock—12. A bill to regulate the toll on the Frankfort and Crab Orchard turnpike road.

On motion of Mr. Lykins—13. A bill to change the State road from Mt. Sterling to the Virginia line, by way of Prestonsburg.

On motion of Mr. R. L. Wickliffe—14. A bill to amend an act, entitled, an act to amend the laws in relation to Guardians.

On motion of same—15. A bill to amend an act, entitled, an act to regulate attachments in civil cases.

On motion of Mr. J. S. Brown—16. A bill to aid the counties of Owen, Gallatin and Carroll, in erecting a bridge on Eagle creek, and for other purposes.

On motion of Mr. McKee—17. A bill to incorporate the Trustees of the Presbyterian Church, in the town of Lancaster.

On motion of Mr. W. F. Bullock—18. A bill to amend the charter of the Louisville and Portland Canal Company.

On motion of Mr. Thompson—19. A bill declaring the offices of Constable and county Surveyor incompatible, and the office of deputy Sheriff and county Surveyor incompatible.

On motion of Mr. Brawner—20. A bill to establish a road from London, through Williamsburg, to Pine Mountain.

On motion of Mr. Prewitt—21. A bill to incorporate the Trustees of the Parsonage of the Mt. Sterling circuit of the Methodist Episcopal Church.

On motion of Mr. Vance—22. A bill to increase the jurisdiction of Justices of the Peace of this Commonwealth.

On motion of Mr. Gaines—23. A bill to amend an act, entitled, an act to amend an act reserving certain property from execution, and for other purposes.

On motion of Mr. Lewis—24. A bill to incorporate a Seminary of learning in Moscow, Hickman county.

On motion of Mr. Lykins—25. A bill for the benefit of Thomas Hagans, of Breathitt county.

On motion of Mr. M. T. Chrisman—26. A bill authorizing the county court of Wayne to appoint an overseer or overseers of the poor, without building a poor house.

On motion of Mr. Vance—27. A bill for the benefit of the Second Presbyterian Church, in the city of Louisville.

Ordered, That Messrs. R. Wickliffe, Jr., McCann and Basye prepare and bring in the 1st; the committee for Courts of Justice the 2d, 6th, 8th, 14th, 15th, 17th, 18th, 19th, 21st and 27th; Messrs. Dixon, Rumsey and Weir the 3d; Messrs. Gaines, McKee and Owsley the 4th; Messrs. R. L. Wickliffe, McKee, J. Speed Smith, Kinkead and J. Kennedy the 5th; the committee on Propositions and Grievances the 7th; Messrs. B. Smith, E. I. Bullock and M. T. Chrisman the 9th; Messrs. Brawner, Buford and Basye the 10th; the committee on Religion the 11th; the committee on Internal Improvement the 12th, 13th, 16th, 20th and 25th; Messrs. Vance, Thomasson, Wakefield, Fible and Biggs the 22d; Messrs. Gaines, McKee and Fletcher the 23d; the committee on Education the 24th; and Messrs. M. T. Chrisman, E. I. Bullock and Bramlette the 26th.

On motion of Mr. Fletcher,

Resolved, That the committee on Internal Improvement be instructed to enquire into the expediency of repealing the law establishing the Board of Internal Improvement, and report by bill.

On motion of Mr. J. Speed Smith,

Resolved, That the committee for Courts of Justice be instructed to enquire into the expediency of allowing appeals from the county to the circuit courts in trials of contested wills, and report thereon to this House.

On motion of Mr. Thomasson,

Resolved, That the committee on Banks be instructed to enquire what was paid to the different Agents appointed by the Bank of Kentucky to investigate the alleged frauds in the transfer of stock of the Schuylkill Bank, and that they report the same.

On motion of Mr. Harrison,

Resolved, That it is important to the immediate action of this House, that the several standing committees be requested to make their report to the House on as early a day as possible.

On motion of Mr. R. M. Johnson,

Resolved, That the committee for Courts of Justice be instructed to enquire into the expediency of giving to the widow one third of the real and

personal estate of her deceased husband, irrespective of any debt or other claim against said estate.

On motion of Mr. Chambers,

Ordered, That the resolutions proposed by Mr. Dixon, in relation to the proceeds of the public lands, be referred to the committee on the Sinking Fund.

On motion of Mr. R. Wickliffe, Jr.,

Ordered, That the joint resolutions, proposed by him on yesterday, be referred to a committee of the whole House for Monday next; and that the Public Printer forthwith print 150 copies of the same for the use of the members of the General Assembly.

And then the House adjourned.

THURSDAY, JANUARY 6, 1842.

1. Mr. J. Kennedy presented the petition of Elizabeth Ware, praying to be divorced from her husband, James Ware; and that her name be changed to that of Elizabeth Sandusky.

2. Also, the petition of Fidelia Isbell, praying to be divorced from her husband, Willis Isbell; and that her name be changed to that of Fidelia Willett.

3. Mr. R. Wickliffe, Jr., presented the petition of Thomas B. McGowan, jailer of Fayette county, praying that compensation be allowed him for recapturing James Merton, who escaped from the jail of said county.

4. Mr. Young presented the petition of William Fenwick, praying to be divorced from his wife, Margaret Fenwick.

5. Mr. Vance presented the petition of Alfred Tarlton, praying to be released from a bond given by him to the State for the return of certain public arms

6. Mr. Barbour presented the petition of Thomas W. Claybrook, praying the passage of a law permitting him to open a passway from his residence to the road leading to Springfield.

7. Mr. Young presented the petition of William Castigan, praying to be divorced from his wife, Lydia Castigan.

8. Mr. J. White presented the petition of the members of the Hopkins county court, praying the passage of a law changing the time for laying the county levy in said county.

9. Mr. Vance presented the petition of David Matthis, praying the passage of a law refunding to him certain taxes improperly paid by him.

10. Mr. Chambers presented the petition of James A. Armstrong, praying to be divorced from his wife, Lybella L. Amstrong.

11. Mr. Vance presented the petition of J. R. Moore, guardian of Coleman Frederick, praying to be released from the penalty of a bond executed by the father of said Coleman, as one of the securities of Jesse Ruble, for the return of certain public arms.

12. Mr. Forman presented the petition of sundry citizens of Fleming county, praying a repeal of the law authorizing the grant of license to retail spirituous liquors.

13. Mr. Cummins presented the petition of sundry citizens of Barren, Green, Hart and Adair counties, praying the establishment of a new county out of parts of said counties.

14. Mr. Conklin presented the petition of John Porter, Abraham Vanmeter and Isaac N. Vanmeter, executors of Isaac Vanmeter, dec'd, praying the passage of a law authorizing them to convey certain lands, sold by their testator in his lifetime.

15. Mr. R. M. Johnson, presented the petition of Frances Jones, praying to be released from a subscription, made by her deceased husband, to the Frankfort and Georgetown turnpike road company.

Which petitions were severally received, the reading thereof dispensed with, and referred—the 1st, 2d, 4th, 7th, 10th and 12th to the committee on Religion; the 3d, 9th and 11th to the committee on Ways and Means; the 5th and 13th to the committee of Propositions and Grievances; the 6th to the committee on Internal Improvement; the 8th, 14th and 15th to the committee for Courts of Justice.

Mr. W. Kennedy, from the joint committee on Enrollments, reported that the committee had examined the preamble and resolutions in relation to American citizens captured by Mexico, which originated in this House—and had found the same truly enrolled.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Kennedy inform the Senate thereof.

The Speaker laid before the House the annual report of the Board of Internal Improvement.

[*For the Report—see Legislative Documents.*]

Ordered, That the Public Printer forthwith print 150 copies of said report for the use of the members of the General Assembly.

A message was received from the Senate announcing the passage of a bill from this House, entitled, an act to allow additional Justices of the Peace to Wayne and Owen counties.

That they had passed bills of the following titles:

An act for the benefit of William M. Poyntz, and for other purposes.

An act for the benefit of Isaac W. Walker, and others.

And a preamble and resolutions concerning the repudiation of State debts.

Mr. Thomasson, from the committee on Propositions and Grievances, to whom was referred the petition of Peter Stephens—reported the same, with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. Thomasson, from the same committee, to whom was referred the petition of sundry citizens, praying for a repeal of the law declaring Trammel's fork of Drake's creek a navigable stream, asked leave to be discharged from the further consideration thereof—which was granted.

Ordered, That said petition be referred to the committee on Internal Improvement.

Mr. Craddock, from the committee on Claims, to whom was referred the petition of Presley M. Hoskins—reported the same, with the following resolution, viz:

Resolved, That the said petition be rejected.

Mr. Thomasson moved to amend said resolution by striking out the words "be rejected," and inserting "is reasonable."

And the question being taken thereon, it was decided in the affirmative.

Ordered, That the committee prepare and bring in a bill in pursuance of the prayer of said petition.

Mr. Browder, from the committee on Religion, to whom was referred the petition of Mary Ann Mason—reported the same, with the following resolution, viz:

Resolved, That said petition be rejected.

Mr. Barbour moved that said resolution be amended by striking out the words "be rejected," and inserting "is reasonable;" and that the same be referred to the committee for Courts of Justice, with the following instructions, viz:

That the committee be instructed to enquire whether the character of cases in question, if not provided for, should be included in a general law: and that said committee be instructed to enquire into the expediency of extending the chancery jurisdiction in such actions.

And the question being taken thereon, it was decided in the affirmative.

A message was received from the Governor, announcing that he had, on this day, approved and signed a preamble and resolutions which originated in this House in relation to American citizens captured by Mexico.

Mr. Skiles, from the committee on Internal Improvement, to whom was referred the petition of Maurice Moore; the petition of Moses Blakeman,

aud the petition of Richmond Robinson—reported the same, with the following resolution, viz:

Resolved, That said petitions be rejected.

Which was concurred in.

A bill from the Senate, entitled, an act for the benefit of Isaac W. Walker and others, was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Ordered, That the said bill be referred to the committee on Military Affairs.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Propositions and Grievances—1. A bill for the benefit of Matthew Neale.

By same—2. A bill for the benefit of Henry Payne.

By same—3. A bill for the benefit of Benjamin W. Graves.

By same—4. A bill for the benefit of Matthew Cook.

By the committee on Internal Improvement—5. A bill for the benefit of John E. Fisher.

By Mr. Flournoy—6. A bill to authorize the Trustees of the Princeton Seminary to rent out the property.

By Mr. Botts—7. A bill for the benefit of Elizabeth Taylor.

By Mr. Dixon—8. A bill to establish an election precinct in the town of Steam Port, in the county of Henderson, and to change the place of voting in another.

By Mr. Buford—9. A bill to change the place of voting in the Big Hill precinct, in Madison county.

By same—10. A bill for the benefit of the Clerk of the Whitley circuit court.

By Mr. R. L. Wickliffe—11. A bill to amend an act, providing that the estates of persons dying without heirs and distributees, shall vest in the Commonwealth, and for other purposes.

By Mr. B. Smith—12. A bill to change the names of the children of Constantine Stegall and wife.

By Mr. E. I. Bullock—13. A bill to amend an act, entitled, an act concerning Sheriffs, approved December 27, 1803.

By Mr. M. T. Chrisman—14. A bill authorizing the county courts of Wayne, Russell and Hickman to appoint overseers of the poor, without building poor houses.

Which were read the first time and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 2d, 3d, 4th, 6th, 7th, 8th, 9th,

10th and 14th were severally ordered to be engrossed and read a third time; the 11th and 13th were referred to the committee for Courts of Justice; and the 12th to Messrs. B. Smith, E. I. Bullock and M. T. Chrisman.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 3d, 4th, 6th, 7th, 8th, 9th, 10th and 14th bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Barbour presented the protest of Bazil B. Mason, remonstrating against the divorce of Mary Ann Mason—which was received, the reading thereof dispensed with, and referred to the committee for Courts of Justice.

On motion of Mr. Carpenter,

Resolved, The the committee on Internal Improvement be instructed to enquire into the propriety of reducing the rates of tolls, charged at the various locks and dams on Green and Barren rivers, upon flat boats which descend from points above the influence of the improvements.

Leave was given to bring in the following bills, viz:

On motion of Mr. Carpenter—1. A bill for the benefit of the town of Port Oliver, in Allen county.

On motion of Mr. Calhoon—2. A bill to allow an additional Constable to Breckinridge county.

On motion of Mr. Young—3. A bill allowing an additional Justice of the Peace and Constable to Bath county.

On motion of Mr. Bramlette—4. A bill for the benefit of William Sullivan, Craven Sullivan and Nancy Maxfield, heirs at law of Thomas Sullivan, deceased.

On motion of Mr. Bowman—5. A bill for the benefit of the heirs of Bennet Rose, dec'd.

On motion of same—6. A bill for the benefit of Thomas E. Jones, Sheriff of Casey county.

On motion of Mr. Morin—7. A bill for the benefit of the Methodist Episcopal Church, in the town of New Port.

On motion of Mr. R. Wickliffe, Jr.—8. A bill for the benefit of the mechanics and laborers of this Commonwealth.

On motion of Mr. Biggs—9. A bill to reduce the number of Justices of the Peace in Greenup county.

On motion of Mr. Ireland—10. A bill to amend an act, entitled, an act to establish a State road from Napoleon, in Gallatin county, to intersect the Covington and Georgetown turnpike road at or near Monticello school house, in Grant county.

On motion of Mr. Craddock—11. A bill for the relief of contractors and labourers on the works of internal improvements in this Commonwealth.

On motion of Mr. W. F. Bullock—12. A bill to change the mode of capital punishment in the State of Kentucky.

On motion of Mr. Weir—13. A bill more effectually to suppress riots and breaches of the peace; and to provide for the compensation of Jurors who may serve in such cases, before Justices of the Peace.

On motion of Mr. J. S. Brown—14. A bill for the benefit of Nancy Ford, of Owen county.

On motion of Mr. E. I. Bullock—15. A bill to prohibit Justices of the Peace from acting as Commissioners of Tax in their respective counties.

On motion of Mr. Brawner—16. A bill for the relief of James K. Galion, late Sheriff of Whitley county.

Ordered, That the committee for Courts of Justice prepare and bring in the 1st, 4th, 5th, 13th and 16th; Messrs. Calhoon, E. I. Bullock and Martin the 2d; Messers Young, W. C. Marshall and J. Kennedy the 3d; the committee on Propositions and Grievances the 6th; Messrs. Morin, Vawter, Weir and R. Wickliffe, Jr., the 7th; Messrs. R. Wickliffe, Jr., Wolfe, Weir, McKee and Fletcher the 8th; Messrs. Biggs, Thomasson, Vance and Munday the 9th; Messrs. Ireland, Swope and Carlisle the 10th; Messrs. Craddock, Owsley and Chambers the 11th; Messrs. W. F. Bullock, Dixon, Thomasson and Skiles the 12th; Messrs. J. S. Brown, Nuttall and Sanders the 14th; and Messrs. E. I. Bullock, Calhoon, Martin and Drake the 15th.

Mr. Nuttall moved the following resolution, viz:

Resolved, That his Excellency, the Governor, be requested to cause a national salute to be fired on the morning of the 8th instant, in honor of the American officers and soldiers, who achieved a glorious victory over the theretofore invincible troops of Wellington at New Orleans, on the 8th of January, 1815.

Which being twice read was adopted.

On motion of Mr. Cornish,

Resolved, That the committee on Internal Improvement enquire into the propriety of passing a law, to exempt jurors, witnesses and justices of the peace, from paying toll when going to and returning from their respective courts in this Commonwealth.

The Speaker laid before the House a communication from the First Auditor, which is as follows, viz:

STATE OF KENTUCKY,
Auditor's Office, January 6, 1842.

SIR:

Please say to the House over which you have the honor to preside, that my annual report, which should be laid before the General Assembly of the Commonwealth of Kentucky, on the 6th day of its session, will be delayed a few days beyond the day fixed by law for that purpose. The report is already prepared, and at the office of the Public Printer for publication, and will, without some accident unforseen, be ready for delivery in a short time.

The press of business growing out of increasing calls for interest on the six year six per cent Internal Improvement State bonds, but for the kindness of the gentlemen, applicants for interest, in assisting me in making out schedules of the bonds presented for interest, and rendering me their services as comparing clerks, I should now have been still further behind my work than at present.

I am, respectfully, yours, &c.
BEN. SELBY.

To the Hon. C. S. MOREHEAD,
Speaker of the House of Representatives.

The Speaker laid before the House a report from the Secretary of State, which is as follows, viz:

OFFICE OF THE SECRETARY OF STATE,
January 6, 1842.

SIR:

Pursuant to the act of the 18th of February, 1841, entitled, "an act prescribing the mode of preserving the evidence of the payment of interest on certain State bonds," I have the honor to transmit to the House of Representatives, herewith, a statement showing the amount of interest paid on six year bonds from the 1st of October, 1840, until the 31st of December, 1841, inclusive.

I have the honor to be,
Very respectfully,
Your obedient serv't,
JAMES HARLAN,
Secretary of State.

To the Hon. C. S. MOREHEAD,
Speaker of the House of Representatives.

Statement showing the amount of interest paid on six year State Bonds as reported by the Auditor of Public Accounts, to the Secretary of State.

			Paid in the year	
1840,	month of	October,		$1,018 42
Do	do	November,		375 62
Do	do	December,		324 48
1841,	month of	January,		185 27
Do	do	February,		167 63
Do	do	March,		38 70
Do	do	April,		7,194 34
Do	do	May,		1,049 39
Do	do	June,		1,146 90
Do	do	July,		2,856 59
Do	do	August,		171 67
Amount carried forward,				$14,529 01

	Amount brought forward, - - -	$14,529	01
1841,	month of September, - - - - -	241	95
Do	do October, - - - - -	12,107	20
Do	do November, - - - - -	1,273	88
Do	do December, - - - - -	906	36
Aggregate amount from 1st October, 1840, to December 31st, 1841, inclusive, - - - - -		$29,058	40

JAMES HARLAN,
Secretary of State.

Ordered, That said report be referred to the committee on the Sinking Fund.

Mr. Nuttall moved the following resolution, viz:

WHEREAS, Charles Stewart, Esq., a member elect from this House, departed this life on the ——— day of ——— last—Therefore,

Resolved, That in memory of the deceased, the members of this House will wear crape on the left arm for thirty days.

Which being twice read was unanimously adopted.

On motion of Mr. D. B. Johnson,

Resolved, That so much of the Governor's message as refers to the purchase of a lot of ground to be cultivated by aged and infirm convicts, for the benefit of the convicts, be referred to a select committee, to report thereon.

Whereupon, Messrs. D. B. Johnson, R. M. Johnson, Botts, Carlisle and Thompson, were appointed said committee.

And then the House adjourned.

FRIDAY, JANUARY 7, 1842.

A message was received from the Senate, announcing the passage of a bill from this House, entitled, an act for the benefit of William Stanhope.

That they had passed bills and resolutions of the following titles, viz:

An act to extend the terms of the Nicholas circuit court, and change the May and November terms of the Estill circuit court.

An act confirming the title of Juliet Henry in a lot of ground in the town of Bowlinggreen, deeded to her by the Trustees of the Methodist Episcopal Church.

An act to change the place of voting in the Panther precinct, in the county of Hancock.

An act for the benefit of Susannah Watts.

An act for the benefit of William Bradley.

An act for the benefit of Charles P. Howard and others.

Resolution to place a tomb over the grave of John Adair, late Governor of Kentucky.

Resolution to authorize the Secretary of State to deliver to the Kentucky Historical Society, certain books and documents.

1. Mr. McKee presented the remonstrance of sundry citizens of the town of Lancaster, against the repeal of an act, entitled, an act to repeal so much of the 5th section of an act, entitled, an act to incorporate the town of Lancaster.

2. Mr. W. C. Marshall presented the petition of John W. Finnell, praying to be released from the penalty of a bond executed by him to the State, for the return of public arms.

3. Mr. W. F. Bullock presented the petition of William J. Cardwell, praying to be divorced from his wife, Maria C. Cardwell.

4. Mr. Browder presented the petition of sundry citizens of the counties of Mercer and Lincoln, praying the establishment of a new county out of parts of said counties.

5. Mr. Todd presented the petition of H. I. Bodley, Clerk of the Fayette circuit court, and James C. Rodes, Clerk of the Fayette county court, praying the passage of a law authorizing the county court of said county to make them allowances for making certain indexes in their offices.

6. Mr. Vance presented the petition of the Trustees of Beargrass Baptist Church, in Jefferson county, praying the passage of a law authorizing them to sell and convey said church.

7. Mr. Young presented the petition of Polly Coffer, praying that an allowance be made her for keeping Elizabeth Coffer, an idiot.

8. Mr. Cox presented the petition of sundry citizens of Nelson county, praying a repeal of the law authorizing the grant of license to retail spirituous liquors.

9. Mr. R. M. Johnson presented the petition of John Hughes, praying a change of venue in the prosecution now pending against him in the Owen circuit court, for murder.

10. Also, the petition of sundry citizens of the counties of Scott, Harrison, Grant and Owen, praying the establishment of a new county out of parts of said counties.

11. Also, the remonstrance of sundry citizens of Grant county, against the establishment of said new county.

12. Mr. Browder presented the petition of A. A. Tanner, praying the passage of a law permitting him to act as a pedlar of goods, &c., without paying for a license.

14. Mr. T. D. Brown presented the petition of Lois Smallwood, praying the passage of a law allowing her compensation for keeping Eunice Smith, a lunatic.

15. Also, the petition of Amanda Skeeters, praying to be divorced from her husband, William R. Skeeters.

Which petitions and remonstrances were severally received, the reading thereof dispensed with, and referred—the 1st and 9th to the committee for Courts of Justice; the 2d to the committee on Military Affairs; the 3d, 6th, 8th and 14th to the committee on Religion; the 4th, 10th and 11th to the committee of Propositions and Grievances; the 5th to Messrs. Todd, R. Wickliffe, Jr., and McCann; the 7th and 13th to the committee on Claims; and the 12th to Messrs. Browder, W. Kennedy and W. C. Marshall.

Mr. Calhoon, from the committee for Courts of Justice, to whom was referred a bill for the benefit of William H. Bransford—reported the same, with an amendment, which was concurred in.

Ordered, That said bill, as amended, be engrossed and read third a time.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Privileges and Elections—1. A bill to establish an election precinct in the county of Morgan, and for other purposes.

By the committee for Courts of Justice—2. A bill declaring copies of foreign wills, recorded in the county courts of this State, evidence.

By same—3. A bill to amend the charter of the Portland Dry Dock and Insurance Company.

By same—4. A bill to amend the charter of the Louisville and Portland Canal Company.

By same—5. A bill for the benefit of the Second Presbyterian Church in Louisville.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of the 1st, 2d and 3d bills having been dispensed with, the 1st and 2d were severally ordered to be engrossed and read the third time, and the 3d was referred to the committee on the Sinking Fund.

The rule of the House, constitutional provision and third reading of the 1st and 2d bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Calhoon, from the committee for Courts of Justice, who were appointed to prepare and bring in the same, reported a bill for the bene-

fit of Mary Ann Mason—which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed,

Mr. Vance moved an amendment to said bill—which was concurred in.

Ordered, That said bill, as amended, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and deided in the affirmative.

The yeas and nays being required thereon by Messrs. Triplett and Nuttall, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barbour,	Dixon,	Morgan,
Barnett,	Fible,	Morin,
Biggs,	Fletcher,	Nuttall,
Botts,	Forman,	Owsley,
Bowman,	Garnett,	Paxton,
Brawner,	Graham,	Rouse,
Brien,	Innes,	Sanders,
Brown, J. S.	Ireland,	Smith, B.
Brown, T. D.	Johnson, D. B.	Smith, J. Speed
Buford,	Johnson, R. M.	Stone,
Busby,	Karrick,	Taylor,
Calhoon,	Kinkead,	Thomasson,
Carlisle,	Kirtley,	Thompson,
Chambers,	Lewis,	Vawter,
Chism,	Lykins,	Wand,
Chrisman, G. T.	Marshall, W. C.	Weir,
Coombs,	Marshall, W. N.	Welch,
Conklin,	McCann,	Whaley,
Conway,	McKee,	White, D.
Cornish,	Martin,	Young—61.
Cox,		

Those who voted in the negative were—

Mr. Speaker,	Flournoy,	Rumsey,
Messrs. Bramlette,	Gaines,	Skiles,
Browder,	Gholson,	Swope,
Bullock, E. I.	Gilliam,	Triplett,
Bullock, W. F.	Harrison,	Todd,
Carpenter,	Hays,	Vance,
Chowning,	Holbrook,	Wakefield,
Chrisman, M. T.	Jefferson,	White, J.
Clarke,	Kennedy, J.	Wickliffe, R.
Craddock,	Kennedy, W.	Wickliffe, R. L.
Cummins,	Petree,	Wolfe—35.
Drake,	Prewitt,	

Resolved, That the title of said bill be amended to read as follows: "An act for the benefit of Mary Ann and Bazil B. Mason."

Mr. Cornish, from the committee on Military Affairs, to whom was referred a bill from the Senate, entitled, an act for the benefit of Isaac W. Walker and others, reported the same without amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Chambers moved the following resolution, viz:

Resolved, That the State Temperance Convention, now convened in Frankfort, be allowed the use of this Hall on Saturday evening next, for the purpose of holding a meeting.

Mr. J. Speed Smith moved the following as an amendment to said resolution, viz:

Resolved, That the use of this Hall, after 3 o'clock on Monday next, be given to the State Agricultural Society for the delivery of the annual address, and that the back part of the public square be allowed for the exhibition of stock.

Which was concurred in.

The said resolution, as amended, was then twice read and adopted.

And then the House adjourned.

SATURDAY, JANUARY 8, 1842.

A message was received from the Senate, announcing the passage of bills from this House of the following titles, viz:

An act for the benefit of Nancy Sears.

An act to legalize the proceedings of the Trustees of the town of Poplar Plains, in the county of Fleming.

An act to provide for the appointment of Commonwealth's Attorneys.

With an amendment to the last named bill.

That they had passed bills of the following titles, viz:

An act for the benefit of John M. Baker, Surveyor of Cumberland county.

An act for the benefit of Sylvania Floyd.

An act for the benefit of William McCleland and others.

An act to regulate the terms of the Jefferson circuit court.

An act further to regulate the terms of the Fayette, Scott and Owen circuit courts, and for other purposes.

That they had adopted resolutions, entitled, resolutions concerning the soldiers of the revolution.

1. Mr. Vawter presented the petition of the Trustees of the Boone county Academy, praying that the estate of Allen Morgan, dec'd, who died intestate and without heirs, may be vested in them for the use of said Academy.

2. Mr. Browder presented the petition of John M. Nourse, praying to be released from a bond executed by him to the State, for the return of public arms.

3. Mr. Wand presented the petition of sundry citizens of Butler county, praying the passage of a law appointing Trustees to receive a legacy devised to the Christian Church at Caney Fork, in said county, made by John Read, dec'd.

4. Mr. Vance presented the remonstrance of Thos. J. Pearce, against the granting of a divorce to his wife, Martha J. Pearce.

5. Mr. Young presented the petitions of sundry citizens of Bath county, praying the passage of a law extending the terms of the circuit court for said county.

6. Mr. Wakefield presented the petition of William Ash, praying the passage of a law permitting him to retail spirituous liquors, without license.

7. Mr. Weir presented the petition of sundry citizens of Muhlenburg, Daviess and Ohio counties, praying the establishment of a new county out of parts of said counties.

8. Mr. Innes presented the petition of Nancy Griffith, praying to be divorced from her husband, Robert Griffith.

9. Mr. Sanders presented the petition of Laura Maria Haydon, praying to be divorced from her husband, John D. Haydon.

10. Mr. Petree presented the petition of Burnley D. Smith, praying the passage of a law permitting him to bring into this State a slave, purchased by him in the State of Tennessee.

11. Mr. Ireland presented the petition of Wesley Tully, praying the passage of a law appointing a Commissioner to convey certain lands, sold by William Arnold, dec'd, in his lifetime.

12. Mr. Thomasson presented the petition of Mary S. Brockway, praying to be divorced from her husband, Charles Brockway.

Which petitions and remonstrance were severally received, the reading thereof dispensed with, and referred—the 1st to Messrs. Vawter, J. Speed Smith, Chambers and Morin; the 2d to the committee on Military Affairs; the 3d, 5th, 10th and 12th to the committee for Courts of Justice; the 4th,

8th, 9th and 11th to the committee on Religion; and the 6th and 7th to the committee of Propositions and Grievances.

Mr. W. Kennedy, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act to allow additional Justices of the Peace to Wayne and Owen counties.

An act for the benefit of William Stanhope.

Also, a bill which originated in the Senate, entitled, an act for the benefit of Isaac W. Walker and others.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Kennedy inform the Senate thereof.

Mr. Browder, from the committee on Religion, to whom was referred the petition of Samuel Barnett, praying for a divorce—reported the same, with the following resolution, viz:

Resolved, That said petition be rejected.

Mr. W. F. Bullock moved to amend said resolution by striking out the words "be rejected," and inserting "is reasonable."

And the question being taken thereon, it was decided in the affirmative.

Ordered, That the committee prepare and bring in a bill in pursuance of the prayer of said petition.

Mr. Browder, from the same committee, to whom was referred the petition of Allen Moody, praying for a divorce—reported the same, with the following resolution, viz:

Resolved, That the said petition be rejected.

Mr. Lewis moved to amend said resolution by striking out the words "be rejected," and inserting "is reasonable."

And the question being taken thereon, it was decided in the affirmative.

Ordered, That the committee prepare and bring in a bill in accordance with the prayer of said petition.

Mr. Browder, from the same committee, to whom was referred the petition of Sarah Wretherford, praying for a divorce—reported the same, with the following resolution, viz:

Resolved, That said petition be rejected.

Mr. Welch moved to amend said resolution by striking out the words "be rejected," and inserting "is reasonable."

And the question being taken thereon it was decided in the negative—and then the resolution was concurred in.

Mr. W. F. Bullock moved the following resolution, viz:

Resolved, That a select committee be appointed, whose duty it shall be to take into consideration the condition and wants of the Kentucky Lunatic Asylum, and report by bill or otherwise.

Which being twice read was adopted.

Whereupon Messrs. W. F. Bullock, Todd, McCann, Dixon, R. M. Johnson and Skiles, were appointed a committee in pursuance of said resolution.

Resolutions from the Senate concerning the soldiers of the revolution, were taken up, twice read, and concurred in.

Mr. Welch asked leave to withdraw the petition of Sarah Wretherford, which was granted, and the petition withdrawn.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Religion—1. A bill for the divorce, and change of name, of Elizabeth Ware.

By same—2. A bill for the divorce, and change of name, of Fidelia Isbell.

By same—3. A bill for the divorce of Edmund P. Gaines.

By same—4. A bill to dissolve the marriage contract between Cynthia Wester and Samuel Wester, and to change the name of said Cynthia.

By Mr. Browder—5. A bill for the benefit of A. A. Tanner.

By Mr. R. Wickliffe, Jr.—6. A bill for the benefit of Harry I. Bodley and James C. Rodes.

Which were read the first time and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 2d, 4th and 6th were severally ordered to be engrossed and read a third time; the 3d was laid on the table until the first day of June next, and the 5th was referred to the committee on Ways and Means.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 4th and 6th bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. M. T. Chrisman moved the following resolution, viz:

Resolved, That hereafter, when a petition shall be presented to this House for a divorce, the same shall be received, its reading dispensed with, and laid on the table until the first day of June next.

And the question being taken on the adoption thereof, it was decided in the negative.

Leave was given to bring in the following bills, viz:

On motion of Mr. R. M. Johnson—1. A bill respecting the company of Grenadiers, in Lexington.

On motion of Mr. Drake—2. A bill for the benefit of Henry Crawford and others.

Ordered, That the committee on Military Affairs prepare and bring in the 1st; and Messrs. Drake, Welch and Munday the 2d.

The Speaker laid before the House the annual report of the Librarian, which is as follows, viz:

LIBRARY ROOM,
Frankfort, January 5, 1842.

SIR:

You will please lay before the honorable House over which you preside, the accompanying report, which contains the books received and purchased for the Public Library for the year 1841.

Yours respectfully,
GEO. A. ROBERTSON, *P. L.*

To the Hon. C. S. MOREHEAD,
Speaker of the House of Representatives.

A Catalogue of Books received in the Public Library from the Secretary of State, in 1841.

	Cong.	Years.	Numbers.	Vols.
American Archives, - - - -		1774-5	6574 to 6575	2
Reports of Committees, - -	26	'39-'40	6576 to 6583	8
Executive Documents, - -	26	'39-'40	6584 to 6597	14
Senate Documents, - -	26	'39-'40	6598 to 6613	16
House Journals, - - -	26	'39-'40	6614 to 6615	2
Senate Journals, - - -	26	'39-'40	6616 to 6617	2
House Journals of Kentucky, -	–	1840-1	6617 to 6641	25
Senate Journals of Kentucky, -	–	1840-1	6642 to 6666	25
Acts of Kentucky, - - -	–	1840-1	6667 to 6716	50
Reports of Kentucky, Session, -	–	1040-1	6717 to 6742	25
Conventions of Maryland, -	–	'74'75'76	6742	1
Bozman's History of Maryland, -		1633	6743 to 6744	2
Geography of N. Jersey by Henry D. Rogers, - - -	–	1840	6745 to 6746	2
Laws of Maryland, - -	–	1840-1	6747	1
Laws of New York, - -	–	1841	6748	1
Laws of Illinois, - -	–	1841	6749	1
Laws of Connecticut, - -	–	1841	6750	1
Laws of Michigan, - -	–	1840	6751	1
Revised Statutes of Arkansas, -	–	1837	6808	1
Illinois S. and H. R. Reports, -	–	1839	6809	1
Decisions Sup. Court of Missouri,	–	1821-8	6810	1
Revised Statutes of Vermont, -	–	1839	6811	1
Laws of Pennsylvania, - -	–	1838-9	6812	1
Laws of Maine, - - -	–	1840	6813	1

Books purchased for the State Library, in 1841.

	Numbers.	Vol.	Dollars.
1 Indian Biography, - - - -	–	11	66 00
1 Franklin's Works, by J. Sparks, - -	6752 to 6761	10	33 00
1 Botta's History, - - - -	6762 to 6763	2	5 00
Paid, - -		-	$104 00

Books purchased for the State Library by the Judges of the Court of Appeals in 1841, *viz:*

	Numbers.	Vols.	Dollars.
1 Guizot's History of Civilization, - -	6764	1	1 25
1 Journal of Convention, 1779 and 1780, -	6765	1	1 50
1 Madison Papers, - - - -	6766 to 6768	3	11 00
1 Smith's Wealth of Nations, - -	6769	1	6 00
1 Thier's French Revolution, - - -	6770 to 6772	3	8 00
1 Brown's Parlimentary Cases, - -	6773 to 6780	8	32 00
1 Bentham's Works, - - - -	6781 to 6787	7	28 00
1 Condensed Reports, U. S., - - -	1713	1	6 00
1 Do do do - - -	6788	1	6 00
1 Code's Napoleon, - - - -	6789	1	8 50
1 Dodson's Admiralty Reports, - -	6790 to 6791	2	19 00
1 Haggard's do do - - -	6792	1	7 50
1 Hobart's do do - - -	6793	1	6 50
1 Leigh's Virginia do - - -	6794 to 6802	9	70 00
1 Swinburne on Wills, - - -	6803 to 6805	3	16 00
1 Washington's Virginia Reports, - -	6806 to 6807	2	8 00
			$235 25

CREDITS.

Cash paid by Judge Wooley, - - - -	$150 00	
Cash paid by G. A. Robertson, - - - -	85 25	
		$235 25

Exchange of Books with William M. Todd :

Three copies of the Acts of Kentucky, 1835, three volumes, for two copies of Acts of Kentucky, 1829, Nos. 391–392, two volumes, and one copy Acts, 1837, No. 327, one vol.

GEO. A. ROBERTSON, *Pub. Lib.*

A bill from the Senate, entitled, an act further to regulate the terms of the Fayette, Scott and Owen circuit courts, was read the first time and ordered to be read second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with, it was referred to the committee for Courts of Justice.

And then the House adjourned.

MONDAY, JANUARY 10, 1842.

A message was received from the Senate, announcing that they had passed a bill from this House, entitled, an act to establish a road from some convenient point on the Green river turnpike road, to the Edmonson county line, in a direction to the Mammoth Cave, with an amendment.

And that they had passed bills of the following titles, viz:

An act concerning the action of replevin.

An act for the benefit of Louisa J. Reece.

An act for the benefit of M. C. Anderson, John Messick, Charles P. Howard and D. P. Keatly.

Mr. John Wortham, the member returned to serve in this House from the county of Graves, appeared and produced a certificate of his election; and having taken the several oaths required by the constitution and laws of this State, took his seat.

1. Mr. Browder presented the petition of Michael Gilbert, adm'r, and Dorinda Smith, widow of Joseph Smith, dec'd, praying the passage of a law authorizing a sale of the real estate of said dec'd.

2. Mr. R. Wickliffe, Jr., presented the petition of the Trustees of the Methodist Episcopal Church of Lexington, praying the passage of a law authorizing them to sell their church.

3. Mr. Kinkead presented the petition of the Rev. Joseph C. Stiles, praying the passage of a law permitting him to bring certain slaves into this State.

4. Mr. Morin presented the petition of Conrad Havens, praying the passage of a law allowing him compensation for supporting Lucy Bradford, a lunatic.

5. Mr. Gilliam presented the petition of sundry citizens of Livingston county, praying a division thereof, and the formation of a new county out of part thereof.

6. Mr. Sanders presented the petition of sundry citizens of Carroll county, praying for an alteration in a State road running through said county.

7. Mr. Dixon presented the petition of James Alves and W. H. Ingram, agents of Thomas Shewell, praying the passage of a law authorizing the county court of Henderson county to discontinue a street in said town.

8. Mr. T. D. Brown presented the petition of sundry citizens of Hardin county, praying the passage of a law declaring Nolin creek a navigable stream, as far up only as Hunt's mill.

9. Mr. J. Kennedy presented the petition of Willis Isbell, praying to be divorced from his wife, Fidelia Isbell.

Which petitions were severally received, the reading thereof dispensed with, and referred—the 1st and 3d to the committee for Courts of Justice; the 2d to Messrs. R. Wickliffe, Jr., Morin, Vawter and Weir; the 4th to the committee on Claims; the 5th to the committee of Propositions and Grievances; the 6th to Messrs. Sanders, Nuttall and J. S. Brown; the 7th to Messrs. Dixon, W. F. Bullock and Weir; the 8th to the committee on Internal Improvement; and the 9th to the committee on Religion.

Mr. J. Kennedy read and laid on the table the following resolution, viz:

WHEREAS, It is represented to the General Assembly, that one of the members of the committee on Banks in the House, and one in the Senate, are, from indisposition, unable to visit the Banks in person; *And whereas*, The interest of the country requires a full and minute examination of the Banks—Therefore,

Resolved, by the General Assembly of the Commonwealth of Kentucky, That, for the present session, there shall be added to the committee on Banks, one in each branch of the Legislature, whose duty it shall be forthwith to proceed to Louisville, to join the committee in their investigations.

The rule of the House requiring joint resolutions to lie on the table one day having been dispensed with, it was twice read and adopted.

Mr. Vance, from the committee on Ways and Means, who were appointed to prepare and bring in the same, reported a bill for the benefit of Thomas B. Megowan—which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

The question was taken on ordering said bill to be engrossed and read a third time, and decided in the negative; and so the said bill was rejected.

The Speaker laid before the House the annual report of the Commissioners of the Lunatic Asylum.

[*For the Report—see Legislative Documents.*]

Ordered, That said report be referred to Messrs. W. F. Bullock, Todd, McCann, Dixon, R. M. Johnson and Skiles, and that the Public Printer forth-

with print 150 copies of said report for the use of the members of the General Assembly.

Mr. Thomasson, from the committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of Barren, Green, Hart and Adair counties, praying for a new county—reported the same, with the following resolution:

Resolved, That said petitions be rejected.

Which was concurred in.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Ways and Means—1. A bill for the benefit of David Matthis.

By same—2. A bill for the benefit of the heirs of Jesse Ruble, dec'd, and others.

By the committee on Education—3. A bill for the benefit of the Somerset Academy.

By the committee on Propositions and Grievances—4. A bill changing the name of James Tapp and James Hays.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the Senate announcing their concurrence in a resolution from this House to add to the committe on Banks.

Whereupon the Speaker appointed Mr. Chambers on said committee.

Mr. Craddock, from the committee on Claims, who were appointed to prepare and bring in the same, reported a bill for the benefit of Presly M. Hoskins—which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of said bill having been dispensed with, and the same being engrossed,

The question was taken on the passage thereof, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. R. Wickliffe, Jr. and Nuttall, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Flournoy,	Munday,
Messrs. Barbour,	Forman,	Noe,
Barnett,	Garnett,	Nuttall,
Biggs,	Gholson,	Owsley,
Botts.	Gilliam,	Paxton,

Brawner,	Graham,	Prewitt,
Brien,	Harrison,	Rouse,
Browder,	Hays,	Sanders,
Brown, J. S.	Holbrook,	Skiles,
Brown, T. D.	Innes,	Stone,
Bullock, W. F.	Ireland,	Swope,
Busby,	Jefferson,	Taylor,
Carlisle,	Johnson, D. B.	Thomasson,
Carpenter,	Karrick,	Vance,
Chism,	Kennedy, J.	Wakefield,
Chowning,	Kennedy, W.	Weir,
Chrisman, G. T.	Kinkead,	Welch,
Coombs,	Kirtley,	Whaley,
Conklin,	Lewis,	White, J.
Conway,	Lykins,	White, D.
Cornish,	Marshall, W. N.	Wickliffe, R.
Cox,	McKee,	Wickliffe, R. L.
Cummins,	Martin,	Wolfe,
Drake,	Morgan,	Wortham,
Fible,	Morin,	Young—76.
Fletcher,		

Those who voted in the negative, were—

Messrs. Bramlette,	Clarke,	Triplett,
Bullock, E. I.	Craddock,	Vawter,
Chrisman, M. T.	Thompson,	Wand—9.

Resolved, That the title thereof be as aforesaid.

Mr. E. I. Bullock, from the committee for Courts of Justice, reported a bill to amend the several laws to suppress the practice of duelling—which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Mr. Thomasson moved an amendment thereto—which was adopted.

Ordered, That said bill, as amended, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. J. Kennedy and E. I. Bullock, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Dixon,	Paxton,
Messrs. Barbour,	Fible,	Sanders,
Botts,	Fletcher,	Smith, B.
Bramlette,	Forman,	Taylor,

Brien,	Gilliam,	Thomasson,
Brown, J. S.	Graham,	Triplett,
Brown, T. D.	Holbrook,	Vance,
Bullock, E. I.	Ireland,	Vawter,
Bullock, W. F.	Kinkead,	Wakefield,
Busby,	Kirtley,	Weir,
Carlisle,	Lykins,	Whaley,
Chambers,	McKee,	White, D.
Chism,	Martin,	White, J.
Chrisman, M. T.	Morgan,	Wickliffe, R. L.
Conway,	Noe,	Wortham—47.
Cornish,	Nuttall,	

Those who voted in the negative, were—

Messrs. Barnett,	Flournoy,	Munday,
Biggs,	Garnett,	Owsley,
Brawner,	Gholson,	Petree,
Browder,	Harrison,	Prewitt,
Carpenter,	Hays,	Rouse,
Chowning,	Innes,	Skiles,
Chrisman, G. T.	Jefferson,	Stone,
Clarke,	Johnson, D. B.	Swope,
Coombs,	Karrick,	Thompson,
Conklin,	Kennedy, J.	Wand,
Cox,	Kennedy, W.	Welch,
Craddock,	Lewis,	Wolfe,
Cummins,	Marshall, W. N.	Young—41.
Drake,	Morin,	

Resolved, That the title thereof be as aforesaid.

And then the House adjourned.

TUESDAY, JANUARY 11, 1842.

A message was received from the Senate, announcing the passage of bills from this House of the following titles, viz:

An act for the benefit of Matthew Cook.

An act for the benefit of Elizabeth Taylor.

An act for the benefit of the Clerk of the Whitley circuit court.

An act authorizing the county courts of Wayne, Russell and Hickman, to appoint overseers of the poor, without building poor houses.

1. Mr. B. Smith presented the petition of Andrew J. James, praying compensation for his services as prosecuting attorney during the spring terms of the Wayne and Pulaski circuit courts, in the year 1841.

2. Mr. Gaines presented the petition of Rowland Ingham, guardian of the infant heirs of Edmund Searcy, dec'd, praying the passage of a law authorizing a sale of the real estate of said infants.

3. Mr. R. Wickliffe, Jr., presented the memorial of the county court of Fayette county, praying an amendment of the law in relation to the emancipation of slaves.

4. Mr. Owsley presented the petition of Robert Knox, ex'r of Carter Tadlock, dec'd, praying the passage of a law authorizing a sale of a slave, belonging to the estate of his testator.

5. Mr. R. Wickliffe, Jr., presented the petition of the city council of Lexington, praying the passage of a law authorizing the managers of the Lexington, Harrodsburg and Perryville Turnpike Road Company to lease out, or otherwise dispose of said road.

6. Mr. Vance presented the memorial of J. Barbour, praying that compensation be allowed him for losses sustained on his contract with the State, for the construction of lock and dam No. 1, on the Kentucky river.

7. Mr. Dixon presented the petition of Wm. Brown, praying that compensation be allowed him for losses sustained in constructing lock and dam No. 1, on Barren river, by reason of the discount on State bonds.

8. Mr. Vance presented the remonstrance of sundry voters and property holders in the town of Portland, against a disconnection of said town with the city of Louisville.

9. Mr. Prewitt presented the petition of David Trimble and Sophia, his wife, praying that the said Sophia be divorced from her former husband, William Fox; and that the marriage of said David and Sophia be legalized.

10. Mr. Cornish presented the petition of Stephen Stone and John D. Armstrong, praying that compensation be allowed them for losses sustained under their contract for making part of the Franklin and Crab Orchard Turnpike Road.

11. Mr. Botts presented the petition of Thomas G. Johnson, praying that compensation be allowed him for pursuing and capturing a fugitive from justice.

Which were received, the reading thereof dispensed with, and referred—the 1st and 11th to the committee on Claims: the 2d, 3d, 4th, 6th and 9th to the committee for Courts of Justice; the 5th and 6th to the committee on Internal Improvement; the 8th to the committee on Propositions and Grievances; and the 10th to the committee on Ways and Means.

The Speaker laid before the House a communication from John Calhoon, which is as follows, viz:

FRANKFORT, *January* 11, 1842.

DEAR SIR:

Having determined to accept the office of Circuit Judge, I hereby resign my seat as a member of the House of Representatives. I avail myself of the occasion to tender to you, and through you, to the members of the House, assurances of my high esteem and regard.

Your obedient servant,

JOHN CALHOON.

To the Hon. C. S. MOREHEAD,
Speaker of the House of Representatives.

On motion of Mr. R. Wickliffe, Jr.,

Ordered, That Mr. Hayes be added to the committee for Courts of Justice.

Mr. Fletcher moved the following resolution, viz:

Resolved, That the Speaker of this House issue a writ of election to fill the vacancy occasioned by the resignation of John Calhoon, who was a representative from the county of Breckinridge; and that by the said writ he shall require the eelction to be commenced on Monday the 17th instant, and be conducted, in all respects, as now required by law.

Which being twice read was adopted.

Mr. Craddock read and laid on the table the following resolution, viz:

Resolved, by the General Assembly of the Commonwealth of Kentucky, That a committee of four members of the House of Representatives, and two of the Senate, be appointed to examine the Transylvania University, and the Lunatic Asylum; and that the said committee report to the Legislature the prospects and resources of the former, and the condition of the latter.

Resolved further, That a committee of four members of the House of Representatives, and two of the Senate, be appointed to examine the Deaf and Dumb Asylum, at Danville.

On motion of Mr. Lewis,

Resolved, That so much of the Governor's message as relates to internal improvements, be referred to the committee on Internal Improvement.

Mr. Nuttall, from the committee for Courts of Justice, to whom was referred the petition of Thomas J. Nolin, asked leave to be discharged from the further consideration thereof—which was granted.

Ordered, That said petition be referred to the committee on Ways and Means.

Mr. Nuttall, from the same committee, to whom was referred the petition of the executors of Isaac Vanmeter, dec'd—reported the same, with the following resolution:

Resolved, That the said petition be rejected.

Which was concurred in.

On motion of Mr. Conklin, leave was given him to withdraw said petition, and the same was accordingly withdrawn.

Mr. Vawter, from the same committee, to whom was referred the petition of Martha Cowan, and the petition of Thomas Rout and others—reported the same, with the following resolution, viz:

Resolved, That said petitions be rejected.

Which was concurred in.

Mr. Kinkead, from the same committee, to whom was referred leave to bring in a bill for the benefit of the Sheriff of Clay county, asked leave to be discharged from the further consideration thereof—which was granted.

Ordered, That the committee on Ways and Means prepare and bring in the same.

Mr. Skiles, from the committee on Internal Improvement, to whom was referred a bill for the benefit of William W. Bell—reported the same, without amendment.

Ordered, That said bill be engrossed and read a third time.

On motion of Mr. Skiles,

Ordered, That the committee on Internal Improvement be discharged from the further consideration of a resolution, directing said committee to enquire into the expediency of exempting Justices of the Peace, Jurors and Witnesses, from paying toll when going to and returning from court.

Mr. Skiles, from the same committee, to whom was referred the petition of Thomas W. Claybrook—reported the same, with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. Browder, from the committee on Religion, reported a bill for the divorce of Susannah Barnett, and to change her name—which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of said bill having been dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and it was decided in the negative; and so the said bill was rejected.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. J. S. Brown—1. A bill for the benefit of the Sheriff of Owen county.

By the committee for Courts of Justice—2. A bill to amend the several laws appropriating the vacant lands to the counties in which they lie.

By same—3. A bill to amend the law concerning attachments.

By the committee on Religion—4. A bill for the divorce of Allen Moody.

By the committee on Internal Improvement—5. A bill to establish a road from the mouth of Laurel, through London, to Bates' salt well, in Clay county.

By Mr. Gaines—6. A bill to repeal the 4th section of an act, entitled, an act to provide for the improvement of the road from Franklin county to the Crab Orchard, in Lincoln county.

By same—7. A bill to amend an act, entitled, an act to amend an act reserving certain property from execution, and for other purposes.

By Mr. Young—8. A bill allowing an additional Justice of Peace and Constable to the county of Bath, and for other purposes.

By Mr. Flournoy—9. A bill to legalize the elections of certain school districts in Caldwell county.

By same—10. A bill for the benefit of Samuel D. Hawke and others.

By Mr. Morin—11. A bill for the benefit of the Methodist Episcopal Church, in the town of Newport.

By Mr. R. Wickliffe, Jr.—12. A bill for the benefit of the Trustees of the Methodist Episcopal Church, in Lexington.

By Mr. Ireland—13. A bill to amend the act, entitled, an act to establish a State road, in Gallatin county, to intersect the Covington and Georgetown turnpike road at or near Monticello school house, in Grant county.

By Mr. Dixon—14. A bill to authorize the county court of Henderson county to discontinue a street in the town of Henderson.

By Mr. Craddock—15. A bill for the relief of the contractors and those who have labored on the works of internal improvement of this Commonwealth.

By Mr. Vance—16. A bill to reduce the number of Justices of the Peace in Greenup county.

By Mr. Holbrook—17. A bill to change the time of holding the court of assessment of the 110th regiment of Kentucky militia.

By Mr. E. I. Bullock—18. A bill to amend the revenue laws.

By Mr. Drake—19. A bill for the benefit of Henry Crawford and others.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of the 1st, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 16th, 17th, 18th and 19th bills having been dispensed with, the 1st was referred to the committee on Ways and Means; 4th, 5th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 16th, 17th, 18th and 19th were severally ordered to be engrossed and read a third time; the 6th was referred to the committee on Internal Improvement; and the 7th to the committee for Courts of Justice.

The rule of the House, constitutional provision and third reading of the 4th, 5th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 16th, 17th, 18th and 19th bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Public Printer forthwith print 150 copies of the 15th bill for the use of the members of the General Assembly.

On motion of Mr. Morin,

Resolved, That the committee on Ways and Means enquire into the expediency and propriety of opening and repairing roads, so that the same may be done in part by a tax on real estate.

On motion of Mr. Morin.

Resolved, That the committee on Agriculture and Manufactures enquire into the propriety of giving a bounty on cocoons, and all silk reeled from cocoons, raised in the State.

Mr. R. Wickliffe Jr., moved the following resolution, viz:

Resolved, That the Committee for Courts of Justice be instructed to enquire into the expediency of revising the statute law of this Commonwealth, and of appointing three Commissioners, who shall report at the next session of the Legislature said statutes thus revised, and suggest such alterations, additions and modifications, as in their opinion may be necessary or expedient.

Which being twice read was adopted.

Mr. Skiles moved the following resolution, viz:

Resolved, That the Board of Internal Improvement, or the President thereof, be requested to lay before this House a schedule of such public works, as in their judgment must be secured from injury or prosecuted to completion by further appropriations, for the present year. Also, a schedule of the amounts thus deemed necessary to secure the best interests of this Commonwealth, with the particular works upon which they believe such expenditures should be made. Also, a schedule of the works which must be temporarily suspended, with their present condition, and the probable effect of such suspension, for the year 1842. Also, any other considerations, growing out of the consideration of the foregoing resolution, which they may deem important for the action of this House, upon the subject of appropriations to the public works for the year 1842.

Resolved, That the Secretary of the Board of Internal Improvement be requested to lay before this House, a schedule of the annual expenses of the Board of Internal Improvement, since its organization by law; the schedule to set forth, separately, each item of salary and expense.

Which being twice read was adopted.

Mr. Craddock moved a reconsideration of the vote, rejecting the bill for the divorce of Susannah Barnett, and to change her name,

And the question being taken thereon, it was decided in the affirmative.

The question was then taken on the passage of said bill, and decided in the affirmative.

Resolved, That the title thereof be as aforesaid.

The amendment proposed by the Senate to a bill from this House, entitled, an act to establish a road from some convenient point on the Green river turnpike road to the Edmonson county line, in a direction to the Mammoth Cave, was twice read and concurred in.

Leave was given to bring in the following bills, viz:

On motion of Mr. Vawter—1. A bill for the benefit of the Richwood Presbyterian Church, in Boone county.

On motion of Mr. Young—2. A bill for the benefit of Willis Roberts, of Bath county.

On motion of Mr. Brien—3. A bill for the benefit of Nial Noisworthy.

On motion of Mr. Sanders—4. A bill for the benefit of the late deputy Sheriff of Carroll county.

On motion of same—5. A bill for the benefit of the Clerk of the Gallatin county court.

On motion of Mr. Morin—6. A bill to authorize the Judge of the 2d judicial district to hold a special chancery term, in the county of Campbell.

On motion of same—7. A bill for the benefit of the present Sheriff of Campbell county.

On motion of Mr. R. Wickliffe, Jr.—8. A bill for the benefit of John Tilford.

On motion of same—9. A bill for the benefit of Stephen Chipley.

On motion of same—10. A bill for the benefit of Coleman Graves.

On motion of same—11. A bill more effectually to provide for the payment of the bonds of this Commonwealth.

On motion of Mr. Martin—12. A bill giving William Ratliffe, of the county of Pike, the privilege of erecting a saw and grist mill, on Sandy river.

On motion of Mr. Biggs—13. A bill to authorize the Surveyor and Coroner, of Greenup county, to renew their official bonds.

On motion of Mr. McKee—14. A bill for the benefit of the heirs of James G. Bryant, dec'd.

On motion of Mr. W. N. Marshall—15. A bill to change the commencement of the August term of the Green circuit court.

On motion of same—16. A bill more effectually to prevent slaves from carrying arms.

On motion of Mr. Barnett—17. A bill for the benefit of the Sheriff of Green county.

On motion of Mr. Conway—18. A bill to amend an act, entitled, an act to amend the law prohibiting the importation of slaves into this State; also, the act supplemental to said act, approved February 18, 1841.

On motion of Mr. Craddock—19. A bill for the benefit of Samuel V. Leedom.

On motion of Mr. Hays—20. A bill to change the time of holding the Knox county court.

On motion of Mr. Browder—21. A bill to amend an act, entitled, an act to incorporate the Russellville and Clarksville turnpike company.

On motion of Mr. Buford—22. A bill to amend the Goose creek turnpike road law, in the counties of Clay and Laurel.

On motion of Mr. Jefferson—23. A bill to change a part of the Germantown precinct, in Mason county.

On motion of Mr. Cornish—24. A bill to amend the militia law of this Commonwealth.

On motion of Mr. Chism—25. A bill for the benefit of the Sheriff of Monroe county.

On motion of Mr. Fletcher—26. A bill to authorize the taking of depositions, in certain cases, in the general court.

On motion of same—27. A bill exempting aged persons from the payment of county levies.

On motion of Mr. Prewitt—28. A bill to amend an act, entitled, an act authorizing the several county courts of this Commonwealth to permit gates to be erected on certain public roads, approved January 22, 1833.

On motion of Mr. J. S. Brown—29. A bill for the benefit of the heirs and administrator of Cyrus Wingate, deceased.

On motion of Mr. Fible—30. A bill to change the place of voting in the Westport precinct, in Oldham county.

On motion of Mr. B. Smith—31. A bill for the benefit of the town of Somerset.

On motion of Mr. Swope—32. A bill for the benefit of Martin Fugate, late Sheriff of Pendleton county.

On motion of Mr. E. I. Bullock—33. A bill to amend the execution laws of this Commonwealth.

On motion of Mr. Clarke—34. A bill for the benefit of Samuel Lawler.

On motion of same—35. A bill to repeal the law allowing compensation for slaves executed.

On motion of Mr. Taylor—36. A bill to lengthen the terms of the Union circuit court.

On motion of Mr. Kinkead—37. A bill to change the terms of the circuit courts in the 17th judicial district.

On motion of Mr. Brawner—38. A bill for the appointment of two Justices of the Peace and one Constable, in the county of Whitley.

On motion of same—39. A bill to repeal the law prohibiting the importation of slaves into this Commonwealth, approved February 1833.

On the motion of same—40. A bill to amend the law rating and fixing tolls on works of internal improvement in this Commonwealth.

Ordered, That Messrs. Vawter, Morin, R. Wickliffe, Jr., and Weir prepare and bring in the 1st; Messrs. Young, Whaley and Forman the 2d; the committee on Internal Improvement the 3d, 22d, 28th and 40th; the committee on Ways and Means the 4th, 5th, 7th, 8th, 17th, 19th and 32d; Messrs. Morin, Vawter, R. Wickliffe, Jr., and Weir the 6th; the committee for Courts of Justice the 9th, 16th, 36th and 39th; the committee on Military Affairs the 10th and 24th; Messrs. R. Wickliffe, Jr., McKee and Weir the 11th; Messrs. Martin, D. White and Lykins the 12th; Messrs. Biggs, Vance, Thomasson and Holbrook the 13th; Messrs. McKee, Hays, Owsley and D. White the 14th; Messrs. W. N. Marshall, Barnett and B. Smith the 15th; Messrs. Conway, Nuttall, Lewis, R. L. Wickliffe and T. D. Brown the 18th; Messrs. Hays, D. White and Kirtley the 20th: Messrs. Browder, W. Kennedy and Clarke the 21st; Messrs. Jefferson, Holbrook and Biggs the 23d; Messrs. Chism, Bramlette, M. T. Chrisman and Owsley the 25th; Messrs. Fletcher, Skiles and Flournoy the 26th; Messrs. Fletcher, Gaines, Harrison and R. L. Wickliffe the 27th; Messrs. J. S. Brown, Nuttall and Sanders the 29th; the committee on Privileges and Elections the 30th; Messrs. B. Smith, E. I. Bullock and W. F. Bullock the 31st; Messrs. E. I. Bullock, W. C. Marshall, Dixon and Chambers the 33d; Messrs. Clarke, Browder, Nuttall, E. I. Bullock and Bramlette the 34th; Messrs. Clarke, Browder and Petree the 35th; Messrs. Kinkead, Drake and Gaines the 37th; and Messrs. Brawner, Kirtley and Buford the 38th.

A bill for the benefit of the Second Presbyterian Church in Louisville, was read a second time, and ordered to be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Fible moved the following resolution, viz:

Resolved, That the committee on Ways and Means be instructed to enquire into the expediency of allowing the six year State bonds to be redeemed at the option of the holders, by issuing bonds therefor, for the sum of five dollars each; also, if there are any State bonds authorized, which are not yet issued, that the same may also be issued in five dollar bonds, if desired by the person entitled thereto.

Which being twice read was adopted.

Mr. Swope moved the following resolution, viz:

Resolved, That the committee on the Penitentiary be instructed to enquire into the propriety of providing, by law, for the support and maintainance of the destitute families of convicts in the Penitentiary of this State, out of the State's portion of the proceeds of their labour, and that they report by bill or otherwise.

Which being twice read was adopted.

The Speaker laid before the House the annual report of the Superintendant of Common Schools, which is as follows, viz:

FRANKFORT, *January 11th*, 1842.

To the Hon. C. S. MOREHEAD,
Speaker of the House of Representatives.

I have the honor, herewith, to transmit, through you, to the General Assembly of Kentucky, the annual report of the Board of Education.

With sentiments of high consideration and regard,

I have the honor to be, yours, &c.,
B. B. SMITH,
Sup. of Pub. Inst. for the Com'th of Ky.

[*For the Report—see Legislative Documents.*]

Ordered, That said report be referred to the committee on Education; and that the Public Printer forthwith print 150 copies of said report for the use of the members of the General Assembly.

And then the House adjourned.

WEDNESDAY, JANUARY 12, 1842.

A message was received from the Senate, announcing that they had passed a bill from this House, entitled, an act for the benefit of Henry Payne.

And that that they had passed bills and a resolution of the following titles, viz:

An act concerning the Register of the Land Office.

An act for the recording of Commissioners' deeds in the county court clerks' offices.

An act concerning the action of petition and summons.

An act to amend the law relating to pedlars.

An act for the benefit of John McCall and others.

An act to change the place of voting in the Green Spring precinct, in Green county.

A resolution to appoint a committee to examine Transylvani University and the Lunatic Asylum.

1. Mr. E. I. Bullock presented the petition of Richard P. Guthrie, praying a change of venue in the prosecution now pending against him in the Marion circuit court, for murder.

2. Mr. Browder presented the petition of Allen Campbell, praying an appropriation to aid him in the support and education of Mary Jane Campbell, who is deaf and dumb.

3. Mr. Vawter presented the petition of Sarah Gough, praying the passage of a law permitting her to remove, to the State of Missouri, certain slaves held by her as dower.

4. Mr. Wolfe presented the petition of Temple G. Priest and Sophia Priest, praying to be divorced from each other.

5. Mr. Flournoy presented the petition of the President and Managers of the Logan, Todd and Christian turnpike road company, and others, in behalf of William P. C. Caldwell, praying that he be released from a part of his subscription to said road.

6. Mr. J. S. Brown presented the petition of Harriet Criswell, praying to be divorced from her husband, David Criswell.

7. Mr. Nuttall presented the petition of Prior Sanford and wife, and others, praying the passage of a law authorizing them (some of whom are infants) to convey certain lands sold by them to Abraham Smith.

8. Mr. Carlisle presented the petition of William M. Miller, praying to be divorced from his wife, Matilda Miller.

9. Mr. Nuttall presented the petition of sundry citizens of the town of New Castle, praying the passage of a law permitting R. H. Buckley to close an alley in said town.

10. Also, the remonstrance of sundry citizens of the town of New Castle, against the granting of the prayer of said petition.

11. Mr. T. D. Brown presented the petition of Frances Rogers and others, the widow and heirs of Jonathan Rogers, dec'd, praying the passage of a law permitting the said Frances to use a legacy left to her children, in their support and education.

12. Mr. Todd presented the memorial of the stockholders of the Lexington and Georgetown turnpike road company, praying the passage of a law divesting the Board of Internal Improvement of the right to manage and control said road.

13. Also, the memorial of the medical faculty of Transylvania University, concerning the State Lunatic Asylum.

14. Mr. Fible presented the petition of Aaron Allison, praying to be divorced from his wife, Martha Allison.

15. Mr. Gilliam presented the petition of sundry citizens of Livingston county, praying for the division of said county, and the formation of a new county out of part thereof.

16. Mr. Forman presented the petition of sundry citizens of Fleming county, praying the passage of a law allowing an additional Justice of the Peace and Constable to said county.

17. Mr. Young presented the petition of Malinda Lane, praying to be divorced from her husband, Hugh Lane.

18. Mr. Chism presented the petition of James T. Chism, praying the passage of a law authorizing him to apply to the Chancellor of Monroe county to have a Commissioner appointed to convey to him a tract of land, sold to him by Thomas Black and wife—(the wife of said Black having died, leaving an infant child.)

19. Mr. Petree presented the petition of Elizabeth Green, praying the passage of a law permitting her to remove, to the State of Tennessee, certain slaves, in which she has a life estate.

Which petitions, memorials and remonstrance were severally received, the reading thereof dispensed with, and referred—the 1st, 3d, 7th, 18th, and 19th to the committee for Courts of Justice: the 2d to the committee on Education; the 4th, 6th, 8th, 14th and 17th to the committee on Religion; the 5th, 9th, 10th, 11th and 15th to the committee of Propositions and Grievances; the 12th to the committee on Internal Improvement; the 13th to Messrs. W F. Bullock, Todd, McCann, Dixon, R. M. Johnson and Skiles; the 16th to Messrs. Forman, Botts and Whaley.

The Speaker laid before the House the annual report of the First Auditor of Public Accounts, which is as follows, viz:

STATE OF KENTUCKY,
Auditor's Office, January 11, 1842.

SIR:

Do me the kindness to lay before the House over which you have the honor to preside, my annual report, which accompanies this.

I am, very respectfully, yours, &c.,

BEN. SELBY,
Aud. Pub. Accounts.

To the Hon. C. S. MOREHEAD,
Speaker of the House of Representatives.

[*For the Report—see Legislative Documents.*]

Ordered, That the Public Printer forthwith print 150 copies of said report for the use of the members of the General Assembly.

Mr. Thomasson, from the committee on Propositions and Grievances, to whom was referred the petition of William Ash—reported the same, with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

The Speaker laid before the House a communication from the First Auditor, which is as follows, viz:

STATE OF KENTUCKY,
Auditor's Office, January 12, 1842.

SIR:—

A paper containing the advertisement for the sale of Lexington and Ohio Railroad, called the Commonwealth, and a report of Wm. R. McKee to me, containing a schedule of the property belonging to the Company thereof; which please lay before the house over which you have the honor to preside.

I am yours, &c.
BEN. SELBY, *Auditor.*

To the Hon. C. S. MOREHEAD,
Speaker of the House of Representatives.

PUBLIC SALE.

The Lexington and Ohio Railroad Company, and all other persons are hereby notified, that in obedience to two acts of the General Assemby of the Commonwealth of Kentucky, entitled, "Acts for the benefit of the Lexington and Ohio Railroad Company," one approved the 2d day of February, 1833—the other approved 18th day of February, 1841; and by virtue of the power and trust contained in a deed of mortgage, made and executed by the said Railroad Company to the said Commonwealth, on the 25th day of February, 1833, which said deed of mortgage has been duly acknowledged and approved, and is now of record in the office of the Clerk of the Court of Appeals: I, BEN. SELBY, Auditor of Public Accounts for the said Commonwealth, will on the 15th day of January, 1842, at the front door of the Capitol, in the town of Frankfort, in the county of Franklin, and State of Kentucky, between the hours of ten o'clock, A. M. and 5 o'clock, P. M., proceed to sell, at public auction, to the highest bidder, for ready money, all the lands, tenements, machinery, or other property, of whatever description now held, or possessed, by the said Railroad Company, including their interest in said road, and all their stock laid out and expended on said road, or adjacent thereto; together with all the rights and privileges now held and owned by said company, in virtue of the laws of the said Commonwealth: also, all the estate, right, title, interest, use, trust, term or terms for years or for life or lives, right of tenancy and right of removal; all property in possession of said company; all benefit, claim, demand whatsoever, in law or equity; all right and equity of redemption of, or belonging to the said company, in and to said Railroad, or any part or parcel thereof: all real or personal property situate on, adjacent to, or in anywise belonging to the route, tract, way of the said Railroad, from the terminus thereof on the Ohio river, to the terminus thereof in the city of Lexington: all, or so much of, the aforesaid described property will be sold as will satisfy and pay the following sums of money, heretofore paid by the said Commonwealth, for and on account of interest due and unpaid by the said Railroad Company, on a loan of 150,000 dollars, heretofore obtained by said

Railroad Company, and for the payment of the interest and principal, of which the faith and credit of the said Commonwealth is pledged, to-wit:

The sum of 7,835 dollars and 50 cents, of interest paid in 1839. The sum of 1,605 dollars, balance of interest, &c., paid in March, 1840. The sum of 1,297 dollars and 80 cents, of interest, &c., paid May, 1840. The sum of 1,870 dollars and 50 cents, of interest, &c., paid May, 1840. The sum of 1,612 dollars and 50 cents, of interest, &c., paid June, 1840. The sum of 1,297 dollars and 80 cents, of interest, &c., paid October, 1840. The sum of 1,837 dollars, of interest, &c., paid November, 1840. The sum of 1,567 dollars and 50 cents, of interest, &c., paid December, 1840. The sum of 1,861 dollars and 80 cents, of interest, &c., paid April, 1841. The sum of 1,297 dollars and 80 cents, of interest, &c., paid April, 1841. The sum of 1,621 dollars and 80 cents, of interest, &c., paid May, 1841—which said sums, thus paid, amount to the sum of 23,705 dollars. And in the event any accruing interest, on the said loan of 150,000 dollars, should be paid by the said Commonwealth, on or before the day of sale, then such of the said property as remains unsold, will be exposed to sale at the same time and place, and upon the same terms, or so much thereof as will satisfy and pay the said accruing interest. A list of the property to be sold may be seen at the Auditor's Office, in the town of Frankfort, at any time, on or before the day of sale.

BEN. SELBY, *Auditor of Public Accounts.*

Schedule of property furnished the Auditor of Public Accounts, by the President of the Lexington and Ohio Railroad Company.

Being advised that the Executive of the State would urge upon the Legislature the propriety of selling your road, under the State's mortgage, a majority of the Directors have deemed it proper to call you together, that you may confer on the steps which should be taken under the circumstances.

With this view, I deem it proper to give you all the information of which I am possessed, concerning your property.

In May last, the undersigned being chosen President of this Company, proceeded to Louisville to relieve his predecessor. From Mr. Tyler he received the books papers and documents, of whatever description, pertaining to the road, and also a balance of 5,092 dollars and 59½ cents, of which the sum of 5000 dollars was, and still is, in the hands of the Board of Internal Improvement, being the balance of a loan of 20,000 dollars from that Board, and the remaining 92 dollars and 59½ cents was in cash.

Two divisions of the road, to-wit: The Lexington and Portland, were in operation, the 1st under a lease from the Company to Messrs. P. Swigert & Co., the 2d under the Company's own agents. On the 26th June, Messrs. P. Swigert & Co. notified the Directors that they would, on the 1st October, surrender their lease. Afterwards, by agreement, the 1st of September was fixed upon, and the surrender made accordingly.

The Portland division continued to be worked by the Company's agents until the middle of September, when finding that this Road had been worked for the six weeks preceding at a loss, I advised with Messrs. Keats and

Field, (who together with myself, were appointed by the Board a Committee, for the management of the Company's affairs at Louisville,) as to the propriety of suspending that division, or leasing it out. In fact it was ascertained that the division could no longer be worked with profit, without a reorganization of the motive power, and the establishment of an efficient agency. And as the Company neither had the means of purchasing new power, or could afford a suitable salary to a competent agent, it was resolved,—"That from and after the 14th Sept. 1840, the use of the Portland division be discontinued, and that Wm. R. McKee, President, be, and he is hereby authorized, to lease out that portion of the Road for the best price he can obtain, for a term not exceeding three years.

The undersigned accordingly leased out that division of the Road to Minor W. Redd, of Louisville, reserving a monthly rent of 166 dollars and 66⅔ cents, to be increased to a monthly rent of 250 dollars, whenever the Company extends its Road to the lower ferry landing at Portland. The lease to commence paying rent from the 1st October.

To assess the damages done to certain property, demised to P. Swigert & Co., Chas. B Lewis was by consent appointed referee. This gentleman after close inspection of the cars, decided that P. Swigert & Co. pay the Railroad Company the sum of 2,911 dollars. Part of this has been paid, the balance will be paid when a final settlement can be had with those gentlemen.

With this fund, the horses, harness, and forage were purchased, and the Company resumed possession of the Road from Lexington to Frankfort, on the 1st September.

The Company have received from all sources, during the period commencing 1st June and ending 30th November, the sum of 18,756 dollars and 37 cents. The expenditures during the same time have been 18,142 dollars and 45¼ cents. This income and outlay, may he classified as follows:

RECEIVED.

From Portland divis'n from 1st June to 14th Sept.	$3,308 79	
From do do Oct. and Nov.	333 33	
From P. Swigert & Co. from 1st May to 31st Aug.	1,453 07	
From do damages,	1,615 00	
From old accounts, sale of materials, &c.	3,553 70½	
From Lex. division from 1st Sept. to 30th Nov.	3,399 88	
From Levi Tyler, - - - - -	5,092 59½	
		$18,756 37

EXPENDED.

Portland division, - - - -	$2,532 35	
Lexington division, - - - -	2,410 45	
Old debts paid, - - - -	5,003 65	
General expenses, including extraordinary repairs, purchase of horses, pay of President, &c.	3,196 00¼	
In hands of Board of Internal Improvement,	5,000 00	
		$18,142 45¼
Balance 1st December, - - -		$613 91¾

Comparing the receipts and expenditures of the Lexington division, we

find a profit of 987 dollars and 43 cents in three months. One fruitful source of income has been cut off by the unfinished condition of the Kentucky river navigation. But it is idle to attribute our meagre profits to this cause; the true cause lies deeper and must be obvious to every one. For admitting the revenue from freight to be as great as our most sanguine hopes could make, it is very much doubted if we can make a profit on this division sufficient to pay the interest on the Company's debt, leaving nothing whatever for the preservation and renewal of road and machinery. The attention paid to economy will appear from the following statement:—2 clerks receive 350 dollars each and are boarded; 2 drivers 240 dollars each and boarded; 5 ostlers 240 dollars each, they boarding themselves and others in proportion. All hired persons to make up lost time. These are the rates established by P. Swigert & Co. and certainly do not admit of reduction. The undersigned performs the duties of President, Treasurer, Agent, Superintendent and Engineer.

An unfortunate error in laying the track of this division, together with the worn out condition of the machinery, is the true cause of its failure to meet the hopes of its friends. The stone sills yielding to constant attrition, have lost that smoothness of surface which is the only peculiar advantage of an iron over a stone road; while the wheels are so worn that the flanges extend down to the ground, and as it were lift the wheels from the rail. This circumstance has been generally noticed, but attributed erroneously to the bad condition of the track. The consequence of all this is, a great increase of friction and breakage, and the loss of that speed and comfort which the traveller expects on a railroad. An idea of the increase of friction may be formed from the fact, that while on a well made railroad a car will by its weight descend a plane of 18 feet per mile, on our road it will not descend spontaneously a plane of 30 feet per mile. In other words, the friction is nearly doubled, and two horses are now necessary to do the duty which one did when the tract was first laid.

The breakage is about 12 wheels per month, which considering the speed and distance travelled, is quadruple the breakage on a good road. It should be observed, however, that this breakage is in part attributable to the worn condition of the machinery. The loss on each wheel is about twenty dollars, or, rather, it should be said, it costs twenty dollars to re-place the wheel.

With regard to passengers, we have here witnessed the extraordinary spectacle of a line of stages competing successfully with a railroad. No where else, in Europe or America, has a railroad been opened, that it did not at once and forever destroy all competition in carrying passengers.

Several expedients for repairing the road, by partially substituting wood for stone, have been tried, but found not to answer. We are, at present, to keep the road in passable order, compelled to lift the stone block and lay down a wooden stringer in lieu of it. These stringers are laid but for short distances in each place, by men who have not the requisite skill—the circumstances of the Company not admitting the employment of such as have. In consequence, we find the grade and alignment of the road interrupted wherever a stone has been lifted. The stone sills should not be lifted at all—the track should be re-laid on top of them, thereby securing what is so desirable on all railroads, an unyielding foundation; and by raising the level of the road 10 inches, improving the drainage of the road, now so imperfect.

To lay a new track over the present one, repair the large embankments, purchase two light locomotives adopted to curved roads, and renew a portion of the cars, will cost, with the materials on hand, about 85,000 dollars, and any sum short of this I would not advise the Company to spend. In fact, any thing short of a thorough repair of this division, cannot be but a waste of money. Two locomotives will be adequate to the duty of this road for many years to come—one could run while the other would be in shop for repairs if needed. The locomotives belonging to the Company are too much worn to be relied on, and will need extensive repairs before they can be used, and besides that, they are of an antiquated model, not suited for crooked roads. There is no machinist in the west competent to repair them.

It is safe to estimate the business of this division at 20,000 passengers and 10,000 tons of freight, which at the prices charged will produce a revenue of 51,000 dollars; and allowing 25,000 dollars for all expenses, there will remain an annual profit of 26,000 dollars.

The Portland division cannot be relied on for more than 3,000 dollars, and it will be necessary to expend 1,000 dollars, at least, to make it yield that amount.

I do not believe that this sum of 85,000 dollars can be raised in any other way than from the stockholders themselves. The failure to pay the interest on the loan of 150,000 dollars, has been fatal to the credit of the Company. It will be idle to ask aid of the State now, when she repeatedly refused her credit under more favorable circumstances.

[*Here commences a Schedule of the property contained in the Mortgage to the State of Kentucky. The items contained in brackets have been sold.*]

The property of the corporation consists of a right of way, which, with the exception of four or five tracts, is secured throughout from Lexington to Portland; 28 miles of road from Lexington to Frankfort, in operation; 3 miles from 6th street Louisville to Portland, also in operation; 27 miles of road, in part graded, between Louisville and Frankfort; the abutments and wing walls of a bridge over Kentucky river, in part made, with a large quantity of timber, iron and stone material, delivered for the same; a quantity of stone and timber for the track between Louisville and Frankfort; [an unimproved lot in Portland, on the river bank;] eight lots at Main and 13th streets, Louisville, with the improvements thereon, consisting of an engine house, stable and car house; the depot at the corner of Main and Sixth streets; [a small tract of land of one or two acres, about four miles from Louisville;] a lot on the river bank at Frankfort; several lots at the foot of the plane at Frankfort, with the office, warehouse and stable thereon; a tract of 3 or 4 acres at the head of the plane, with the engine, car, wood, stable and grocery houses thereon; the farm of 90 acres, stable, dwelling and its appurtenances, at the Ducker farm; the lots, stable, wood and dwelling houses at Midway; a stable at Yarnall's; the machine shop and its appurtenances, a six acre unimproved lot, the car, engine, and warehouses in this city, besides several small parcels of land on the line of the road, of but little value. The machinery, consisting of two locomotive engines, 4 eight-wheeled passenger cars, 10 four-wheeled do., 2 stock cars, 3 baggage cars, 37 burthen cars, 8 wood cars, 3 repair cars, 4 slides or safety

cars for the plane; also a number of tools, wheels and axles, and materials in the machine shop, and engine houses, which, together with the fixed engine in the machine shop, are worth eleven or twelve thousand dollars; also 45 horses and 36 sets harness.

The timber and stone between Louisville and Frankfort cost 30,400 dollars, some of this has been lost by depredation, and a large amount sold, generally to creditors of the Company, at a price far below first cost, but considerable above its actual value. There are on hand on this part of the road about 30,000 feet of timber, much decayed, of such quality and shape, and in such situations as to be almost worthless for any purpose except the railroad track. The timber on the Lexington division cost about 14,000 dollars. The locust ties of this lot having been exposed for the three last years, are sun cracked, and being generally too small, are not valuable; the best might be worked into the track, and the remainder sold for posts. The stringers of oak and cedar are worth very little, the piles having been culled for repairs, and by individuals on the road.

The bridge timbers and irons for the same, cost 10,000 dollars. This valuable lot of timber has been exposed to the weather since 1837, and is seriously damaged. It has also suffered from depredation, and one boat load was carried off by the freshet last spring. The span of the bridge having been reduced 150 feet, there is yet timber enough to finish it. This timber is piled at Carrolton, at a point 8 miles up the Kentucky river, and at Frankfort. That at Frankfort I have caused to be piled and covered. Nothing but the absolute destitution of means prevented me from preserving in like manner, all the perishable material of the road. The bridge irons are in store at Frankfort, in good order. There has been expended on the bridge 48,249 dollars and 68 cents, as follows: 10,100 dollars for timber and iron. Other work, principally masonry, 35,149 dollars and 68 cents. Due Stoughton for boating timber and for masonry, say 3,000 dollars. About 20,000 dollars will finish this bridge, and it is supposed it will yield a revenue of 3,000 dollars when finished.

The total cost of all this property, including law expenses, surveys, engineering and all other expenses, except those incident to the use of the road, was about 950,000 dollars, and were it unencumbered, it would now be worth (it is believed) 600,000 dollars. This loss of 350,000 of the Company's capital, is attributable to a number of causes, of which the following are the principal, (as I believe:) 1st. A defective construction of the track from Lexington to Frankfort, which costing more than a track of wood, requires removal in less time, and increases the friction and breakage. 2d. The dissipation of the work over a large surface, during '36 and '37, instead of concentrating at Louisville or Frankfort, and finishing 20 miles of the road. 3d. The high prices paid for labor and materials, and the adoption of a wooden viaduct in lieu of an earthen embankment and culvert over Beargrass, during the same period. 4th. The high prices paid for property at Portland and Louisville, or rather the fall in property at those places since the purchase. 5th. The loss on perishable materials purchased in '36 and '37. 6th. The general deterioration of road and machinery which has not been repaid by a corresponding profit from the road. 7th. The increased expenses resulting from a change of the plan of the Kentucky river bridge: And 8th. The peculations of A. O. Newton, late Treasurer, amounting to 13,251 dollars.

The debts and liabilities of the Company, as far as I can ascertain and estimate them, are 245,000 dollars, and in the order of precedence of lien, they stand as follows:

—— Arnold, principal and interest, with lien on lot at Portland,	$11,000
William Mackey, principal and interest, with lien on depot at Louisville,	6,600
De Wolfe's heirs, principal and interest, with lien on lots on Main and 3d streets,	8,600
Three bonds, two for 10,000 dollars each, and one for 20,000 dollars, guarantied by city of Louisville, and deposited by Mr. Tyler with the Bank of Kentucky, the Northern Bank of Kentucky, and the Board of Internal Improvement as security, for a loan, for six years, of 40,000 dollars, on which the sum of 35,000 dollars was received, and 1,250 dollars has been re-paid, say	33,850
Bonds guarantied by the State of Kentucky,	150,000
Interest and exchange paid by the State on same,	18,600
Mechanics liens on depot at Louisville, (takes precedence after Wm. Mackey's lien) say,	500
Due on Ducker farm,	100
—— Goodloe, damages,	600
Peter Dudley, principal and interest,	1,000
—— Burden, principal and interest,	1,100
Bridgford & Ricketts, principal and interest,	1,100
L. B. Stoughton, (contractor,) say	3,000
Claims of contractors, land damages unpaid, and a number of small accounts unpaid, say	9,050
Total,	$245,000

I have to say, in conclusion, that I have not been able to devise any plan by which the Company could be extricated from its present embarrassments.

All of which is respectfully submitted.

WM. R. McKEE, *President*,
Lex. & Ohio Railroad Company.

LEXINGTON, KY., *December* 17, 1840.

The Speaker laid before the House a report from the Secretary of State, which is as follows, viz:

OFFICE OF THE SECRETARY OF STATE,
January 12, 1842.

To the Hon. C. S. MOREHEAD,
Speaker of the House of Representatives.

SIR:

Since my report, made the 6th instant, of the amount of warrants issued by the Auditor of Public Accounts for interest on six year Internal Improvement Bonds, the Auditor has made a return to me of an additional

amount of warrants, issued by him in the month of December, 1841, amounting to $235 72, and omitted by him in his former report to this office.

I have the honor to be,
Very respectfully,
Your ob't serv't,
JAMES HARLAN,
Secretary of State.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Propositions and Grievances—A bill for the benefit of Alfred Tarlton and his securities.

By the committee on Privileges and Elections—A bill to change the place of voting in the Westport precinct, in the county of Oldham.

By the committee on Claims—A bill for the benefit of Polly Coffer.

By same—A bill for the benefit of Lois Smallwood.

By the committee for Courts of Justice—A bill to amend an act, entitled, an act to amend an act to regulate the election of Trustees of the town of Port Oliver, in Allen county.

Which were read the first time and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of said bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Nuttall, from the committee for Courts of Justice, to whom was referred the petition of the Rev. J. C. Stiles—reported the same, with the following resolution.

Resolved, That said petition is unreasonable.

Mr. Kinkead moved to amend said resolution by striking out the word "unreasonable," and inserting "reasonable."

And, after some discussion had thereon, the hour of 12 o'clock arrived, when the House proceeded to the orders of the day.

Bills from the Senate of the following titles, viz:

1. An act amending the act, authorizing the Clarke county court to appoint a Treasurer, approved February 20, 1839.

2. An act to amend the charter of the city of Maysville.

3. An act for the benefit of William M. Poyntz, and for other purposes.

4. An act to extend the terms of the Nicholas circuit court, and change the May and November terms of the Estill circuit court.

5. An act confirming the title of Juliet Henry in a lot of ground in the town of Bowlinggreen, deeded to her by the Trustees of the Methodist Episcopal Church.

6. An act to change the place of voting in the Panther precinct, in the county of Hancock.

7. An act for the benefit of Susannah Watts.

8. An act for the benefit of William Bradley.

9. An act for the benefit of Charles P. Howard and others.

10. An act for the benefit of John M. Baker, Surveyor of Cumberland county.

11. An act for the benefit of Sylvania Floyd.

12. An act for the benefit of William McCleland and others.

13. An act to regulate the terms of the Jefferson circuit court.

14. An act concerning the action of replevin.

15. An act for the benefit of Louisa J. Reece.

16. An act for the benefit of M. C. Anderson, John Messick, Charles P. Howard and D. P. Keatly.

17. An act concerning the Register of the Land Office.

18. An act for the recording of Commissioners' deeds in the county court clerks' offices.

19. An act concerning the action of petition and summons.

20. An act to amend the law relating to pedlars.

21. An act for the benefit of John McCall and others.

22. An act to change the place of voting in the Green Spring precinct, in Green county.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 2d, 4th, 5th, 11th, 14th, 17th, 18th and 19th were referred to the committee for Courts of Justice; the 3d, 12th and 16th to the committee on Military Affairs; the 6th, 10th and 13th were severally ordered to be read a third time; the 7th, 8th and 15th were referred to the committee on Religion; the 9th and 21st to the committee on Claims; the 20th to the committee on Ways and Means; and the 22d to the committee on Privileges and Elections.

The rule of the House, constitutional provision and third reading of the 6th, 10th and 13th bills having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The preamble and resolutions from the Senate concerning the repudiation of State debts, were then taken up.

Mr. Clarke moved an amendment to said resolutions.

Mr. W. F. Bullock moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the affirmative.

The main question was then taken on the adoption of the resolutions, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. Nuttall and Triplett, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Drake,	Nuttall,
Messrs. Barbour,	Fible,	Owsley,
Barnett,	Fletcher,	Paxton,
Basye,	Flournoy,	Petree,
Biggs,	Forman,	Prewitt,
Botts.	Gaines,	Rouse,
Bowman,	Garnett,	Rumsey,
Bramlette,	Gholson,	Sanders,
Brawner,	Gilliam,	Skiles,
Brien,	Graham,	Smith, B.
Browder,	Harrison,	Smith, J. Speed
Brown, J. S.	Hays,	Stone,
Brown, T. D.	Holbrook,	Swope,
Buford,	Innes,	Taylor,
Bullock, E. I.	Ireland,	Thompson,
Bullock, W. F.	Jefferson,	Thomasson,
Busby,	Johnson, D. B.	Triplett,
Carlisle,	Karrick,	Todd,
Carpenter,	Kennedy, J.	Vance,
Chism,	Kennedy, W.	Vawter,
Chowning,	Kinkead,	Wakefield,
Chrisman, G. T.	Kirtley,	Wand,
Chrisman, M. T.	Lewis,	Weir,
Clarke,	Lykins,	Welch,
Coombs,	Marshall, W. N.	Whaley,
Conklin,	McCann,	White, J.
Conway,	McKee,	White, D.
Cornish,	Martin,	Wickliffe, R.
Cox,	Morgan,	Wickliffe, R. L.
Craddock,	Morin,	Wolfe,
Cummins,	Munday,	Wortham,
Dixon,	Noe,	Young—96.

The question was then taken on the adoption of the preamble, and decided in the affirmative.

The resolution from the Senate to authorize the Secretary of State to deliver to the Kentucky Historical Society, certain books and documents—were taken up, twice read, and adopted.

The resolution from the Senate to place a tomb over the grave of John Adair, late Governor of Kentucky—was taken up, twice read, and concurred in.

The resolution from the Senate to appoint a committee to examine Transylvania University, and the Lunatic Asylum—was twice read, and concurred in.

On motion of Mr. Young,

Ordered, That he be permitted to withdraw some depositions, and other vouchers, filed in 1838, among the papers of Hugh Lane—and the same were withdrawn.

And then the House adjourned.

THURSDAY, JANUARY 13, 1842.

A message was received from the Senate, announcing the passage of bills from this House of the following titles, viz:

An act for the benefit of Presley M. Hoskins.

An act for the benefit of David Mathis.

An act for the benefit of the Somerset Academy.

An act to authorize the Trustees of Princeton Seminary to rent out their property.

An act to establish an election precinct in the town of Steamport, in the county of Henderson, and to change the place of voting in another.

An act to change the place of voting in the Big Hill precinct, in Madison county.

An act for the benefit of Harry I. Bodley and James C. Rodes.

An act for the benefit of Mary Ann and Bazil B. Mason.

An act declaring copies of foreign wills, recorded in the county courts of this State, evidence.

With an amendment to the last named bill.

That they had passed bills of the following titles, viz:

An concerning bonds for costs by non-resident suiters, and certain corporations.

An act to amend the law concerning injuries to real estate.

An act to amend the law concerning the probate of wills.

An act to amend the law concerning sealed writings.

An act for the benefit of the Clerks of the Washington and Marion circuit courts.

An act declaring in what cases Mulattoes, Indians and Slaves, shall be competent witnesses.

An act for the benefit of William M. and Eleanor Griggs.

An act for the benefit of Edmund O. Hawkins.

An act for the benefit of Pouncy Nuckols and others.

An act concerning the 17th judicial district.

1. Mr. W. F. Bullock presented the petition of sundry citizens of the counties of Clay, Estill and Breathitt, praying for the establishment of a new county out of parts of said counties.

2. Mr. Innes presented the remonstrance of sundry citizens of Harrison county, against the establishment of a proposed new county out of parts of said county and the counties of Scott, Owen and Grant.

3. Mr. E. I. Bullock presented the petition Daniel Brown and Ann Allen, adm'x of James Allen, dec'd, praying to be released from a bond executed by one William B. Brown, with the said Daniel Brown and James Allen as his securities, for the return of certain public arms.

4. Mr. M. T. Chrisman presented the petition of the Wayne county court, praying the passage of a law allowing them to lay their county levy at their next January, February or March terms, and for other purposes.

5. Mr. Wolfe presented the petition of Ann Creighton, praying to be divorced from her husband, George Creighton.

6. Mr. McKee presented the petition of Jonathan Taylor, praying the passage of a law permitting him to retail spirituous liquors, without a license.

Which petitions were severally received, the reading thereof dispensed with, and referred—the 1st, 2d, 4th and 6th to the committee of Propositions and Grievances; the 2d to the committee on Military Affairs; and the 5th to the committee on Religion.

Mr. E. I. Bullock moved a reconsideration of the vote of yesterday, concurring in the resolution from the Senate to place a tomb over the grave of John Adair, late Governor of Kentucky.

And the question being taken thereon, it was decided in the affirmative.

The said resolution was then amended.

And the question being taken on concurring in the resolution, as amended, it was decided in the affirmative.

Mr. Gaines moved the following resolution, viz:

Resolved, That the committee on Internal Improvement be instructed to enquire into the circumstances and character of the agreement referred to in the report of the Board of Internal Improvement, by which the contractors on the public works were to take the bonds of the State at par; whether said agreement was not a matter of compulsion so far as the contractors were concerned, and not voluntary. Also, to ascertain the number of contractors in the State at the time of the meeting referred to in said report, and the names of all who attended said meeting, and agreed to take State bonds; and whether said contractors should not be reimbursed for the loss on said bonds—and that they report by bill or otherwise.

Which being twice read was adopted.

The House resumed the consideration of the resolution of the committee for Courts of Justice, rejecting the petition of J. C. Stiles, and the amendment proposed by Mr. Kinkead.

And the question being taken on said amendment, it was decided in the affirmative.

Ordered, That the committee prepare and bring in a bill in accordance with the prayer of said petition.

Mr. R. Wickliffe, Jr., from the committee for Courts of Justice, to whom was referred the petition of Ann Hart—reported the same, with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. R. Wickliffe, Jr., from the same committee, to whom was referred a bill to amend an act providing that the estates of persons dying without heirs or distributees shall vest in the Commonwealth, and for other purposes—reported the same without amendment.

Ordered, That said bill be engrossed and read third a time.

Mr. Kinkead, from the same committue, to whom was referred the petition of the heirs of William Clark, dec'd; the petition of G. R. H. Clark, and the petition of the executor and heirs of William Clark, dec'd—reported said petitions, with the following resolution, viz:

Resolved, That the said petitions be rejected.

Which was concurred in.

The following bills were reported by the committee for Courts of Justice, viz:

A bill for the benefit of James W. Porter.

A bill for the benefit of the late Sheriff of Pulaski county.

A bill to authorize the Hopkins county court to lay their levy for said county, at the May term thereof.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. R. Wickliffe, Jr., from the same committee, to whom referred a resolution, directing them to enquire into the expediency of branching the court of appeals, asked leave to be discharged from the further consideration thereof.

And after some discussion had thereon, the hour of 12 o'clock arrived, when the House proceeded to the orders of the day.

Bills from the Senate of the following titles, viz:

1. An act to amend the law concerning injuries to real estate.
2. An act to amend the law concerning the probate of wills.

3. An act to amend the law concerning sealed writings.

4. An act for the benefit of the Clerks of the Marion and Washington circuit courts.

5. An act declaring in what cases Negroes, Mulattoes, Indians and Slaves, shall be competent witnesses.

6. An act for the benefit of William M. and Eleanor Griggs.

7. An act for the benefit of Edmund O. Hawkins.

8. An act for the benefit of Pouncy Nuckols and others.

9. An act concerning the 17th judicial district.

10. An act concerning bonds for costs by non-resident suitors and certain corporations.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of the said bills having been dispensed with, the 1st, 2d, 3d, 4th, 5th and 10th were referred to the committee for Courts of Justice; the 6th to the committee on Religion; the 7th and 8th to the committee on Military Affairs; and the 9th to Messrs. Kinkead, Gaines and Drake.

The amendments proposed by the Senate to bills from this House of the following titles, viz:

An act to provide for the appointment of Commonwealths' Attorneys.

An act declaring copies of foreign wills, recorded in the county courts of this State, evidence.

Were referred to the committee for Courts of Justice.

Engrossed bills of the following titles, viz:

An act for the benefit of William H. Bransford.

An act for the benefit of William W. Bell.

Were read a third time.

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Bills of the following titles, viz:

A bill for the benefit of John E. Fisher.

A bill to amend the law concerning attachments.

A bill to amend the several laws appropriating the vacant lands to the counties in which they lie.

Were read the second time, and ordered to be engrossed and read a third time.

A bill to amend the charter of the Louisville and Portland Canal Company, was read a second time.

The said bill was then amended.

Ordered, That said bill, as amended, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Thomasson moved the following resolution, viz:

Resolved, That Mr. Mooney be permitted to have the use of the Representative Chamber, on this evening, to deliver an address on the moral and political situation of Ireland.

Which being twice read was adopted.

The Speaker laid before the House the response of the Secretary of the Board of Internal Improvement, to the resolution of this House of the 11th instant, which is as follows, viz:

OFFICE BOARD OF INTERNAL IMPROVEMENT,
FRANKFORT, *January* 13, 1842.

SIR:

Please lay before the House of Representatives the enclosed table, which is in answer to their resolution of the 11th instant.

Respectfully,

AUSTIN P. COX, *Sec'y*
Board In't Imp't.

To the Hon. C. S. MOREHEAD,
Speaker of the House of Representatives.

A TABLE, showing the aggregate annual sum paid to members of the Board of Internal Improvement, both as salary and to defray their travelling expenses, from March, 1836, to February, 1841; nothing having been drawn by either of them since the latter period—and previous to the former, they received their pay from the Public Treasury.

YEAR IN WHICH PAYMENTS WERE MADE.	Amount paid as Salary.	Amount paid for expenses.	Total amount paid.
For the year 1836, - -	324 00	74 00	398 00
For the year 1837, - -	831 00	177 76	1,008 76
For the year 1838, - -	276 00	335 25	611 25
For the year 1839, - -	1,146 00	1,048 34	2,194 34
For the year 1840, - -	537 00	330 37	867 37
For the year 1841, - -	357 00	210 20	567 20
	$3,471 00	$2,175 92	$5,646 92
To this should be added an unstetled account of J. T. Morehead, Esq., whilst President of the Board of Internal Improvement, for travelling expenses during the whole time he was President, amounting to - - - - -			$586 10
			$6,233 02

Ordered, That said response be referred to the committee on Internal Improvement.

The Speaker laid before the House the annual report of the Trustees of the Cumberland Hospital, which is as follows, viz:

SMITHLAND, KY., *January* 8, 1842.

SIR:

Enclosed we take the liberty of handing to you the annual report of the Trustees of the Cumberland Hospital, which you will please lay before the House over which you preside.

Very respectfully,
Your ob't serv't,
WM. GORDON,
For self and others.

To the Hon. C. S. MOREHEAD,
Speaker of the House of Representatives.

Report of the Trustees of Cumberland Hospital to the Legislature of Kentucky, December 31, 1841.

CUMBERLAND HOSPITAL. CR.

By appropriation of the Legislatutre for 1841, - - -		$1,500 00
By draft from the Treasurer of the United States, - -		972 50
By premium on same for currency, - - - - -		45 00
By cash from patients who died, - - - - -		26 12
		$2,543 62

	DR.	
To amount paid Smith, keeper, up to to 1st June, for 180 $\frac{6}{7}$ weeks board, at $3 50, - - -	$633 00	
To amount paid same for washing 31½ dozen, at 50 cents, - - - - - - -	15 75	
To amount paid same for burying two persons, at $6 00, - - - - - - - -	12 00	
To amount paid same, one blank book, - -	1 75	
To amount paid Levy Philips, keeper, from 1st June to 31st Dec'r, for 237 $\frac{1}{7}$ weeks board, at $3 50, - - - - - - - -	830 00	
To amount paid same for washing 72 $\frac{2}{3}$ dozen, at 50 cents, - - - - - - - -	36 33	
Ta amount paid same for making nine towels, -	56	
To amount paid same for lime, - - -	1 50	
To amount paid same for burying thirteen persons, at $6 00, - - - - - - -	78 00	
Amounts carried forward, - - -	$1,608 89	$2,543 62

	Dr.	Cr.
Amounts brought forward, - - -	$1,608 89	$2,543 62
To amount paid Gordon and Barnett, their bill, including $89 91 for medicines, and $30 for lawyer's fee, - - - - - - - - -	224 83	
To amount paid Olive, King & Wilson's bill, -	75 00	
To amount paid Wells, Barner & Co's bill, -	4 13	
To amount paid Thomas M'Cormick's bill, -	35 85	
To amount paid D. B. Sanders, M. D., as superintending physician for 13 months, at $300 per year, - - - - - - - - -	325 00	
		$2,199 45
Balance unexpended, - - - - - -		$344 17

It will be seen from the foregoing statements, that there remains in the hands of the Trustees three hundred and forty four dollars and seventeen cents.

For the comfort of the sick and afflicted, who are thrown into the Hospital, some improvements to the present buildings are absolutely necessary, and ought by all means to be done early next spring. In order to enable the Trustees to have them made, it will be necessary for the Legislature to make the usual appropriation of *fifteen hundred* dollars.

There has been received into the Hospital, since the last report, one hundred and nineteen patients; one hundred of whom have been discharged, cured; fifteen have died, and four remain at the date of this report.

At the last March term of the circuit court, the Trustees obtained a judgment against D. W. Patterson and others for three hundred and twenty-five dollars, part of the money withheld by them since 1838. Patterson took an appeal from the judgment of Livingston, but failed to send up a copy of the record, and at the fall term of the Court of Appeals, the appeal was dismissed, with ten per cent. damages, and execution is now in the hands of the Sheriff. We expect the money will come into the hands of the Trustees in the course of a few months.

The foregoing is respectfully submitted.

WM. GORDON,
THOMAS M'CORMICK,
BENJAMIN BARNER,
H. F. GIVEN,
JOHN E. WILSON,
Trustees Cumberland Hospital.

Mr. J. Kennedy moved a reconsideraton of the vote, refusing to engross and read a third time a bill for the benefit of Thomas B. Megowan.

And the question being taken thereon, it was decided in the affirmative.

Ordered, That said bill be referred to the committee on Claims.

Leave was given to bring in the following bills, viz:

On motion of Mr. Dixon—1. A bill for the benefit of Geo. E. Blackburn.

On motion of Mr. Clarke—2. A bill to authorize the sale of parts of certain streets and alleys, in the town of Franklin.

On the motion of Mr. Gaines—3. A bill to repeal an act, entitled, an act to reduce the number of Justices of the Peace in Anderson county, and for other purposes.

On motion of Mr. Vawter—4. A bill for the benefit of the officers and guards of the Penitentiary.

On motion of Mr. Cummins—5. A bill for the benefit of James G. Hardy.

On motion of Mr. Harrison—6. A bill to amend the common school law of this Commonwealth.

On motion of Mr. Triplett—7. A bill to authorize the county court of Daviess to straighten the State road between Owensboro' and Calhoon's ferry, on Green river.

On motion of Mr. Biggs—8. A bill to survey and mark the line between the counties of Greenup, Carter and Lawrence.

On motion of Mr. Wortham—9. A bill to change the mode of selecting grand jurors.

On motion of Mr. M'Kee—10. A bill to repeal an act, entitled, an act to amend the law requiring Clerks of courts to make out complete records, in certain cases.

Ordered, That the committee on the Sinking Fund prepare and bring in the 1st; the committee on Propositions and Grievances the 2d; Messrs. Gaines, Harrison and Gholson the 3d; the committee on the Penitentiary the 4th; the committee on Military Affairs the 5th; the committee on Education the 6th; Messrs. Triplett, Dixon, Prewitt and Karrick the 7th; Messrs. Biggs, Thomasson, Vance and Holbrook the 8th; and the committee for Courts of Justice the 9th and 10th.

On motion of Mr. McCann,

Resolved, That the Committee for Courts of Justice be instructed to enquire into the expediency of preventing by law the sale, by apothecaries, druggists, and others, of any poisonous drugs or medicines to slaves or children.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Vawter—A bill for the benefit of the Richwood Presbyterian Church.

By Mr. Sanders—A bill to change, in part, the State road in Carroll county.

By Mr. Morin—A bill authorizing a special chancery term in the county of Campbell.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. McKee, from the select committee, appointed to prepare and bring in the same, reported a bill to regulate the salaries of certain officers of this Commonwealth, and to increase the resources of the Sinking Fund—which was read the first time.

The question was then put—Shall the bill be read a second time? And after some discussion had thereon,

The House adjourned.

FRIDAY, JANUARY 14, 1842.

A message was received from the Senate, announcing the passage of bills from this House of the following titles, viz:

An act for the benefit of the heirs of Jesse Ruble, dec'd, and others.

An act changing the names of James Tapp and Jane Hays.

An act to amend the several laws to suppress the practice of duelling.

An act for the divorce of Susannah Barnett, and to change her name.

An act to establish a road from the mouth of Laurel, through London, to Bates' salt well, in Clay county.

An act for the benefit of the Methodist Episcopal Church, in the town of Newport.

An act for the benefit of the Trustees of the Methodist Episcopal Church, in Lexington.

An act to amend the act, entitled, an act to establish a State road from Napoleon, in Gallatin county, to intersect the Covington and Georgetown turnpike road at or near Monticello school house, in Grant county.

An act to authorize the county court of Henderson county to discontinue a street in the town of Henderson.

An act for the benefit of Henry Crawford and others.

An act to amend an act, entitled, an act to regulate the election of Trustees for the town of Port Oliver, in Allen county.

An act allowing an additional Justice of the Peace and Constable to Bath county, and for other purposes.

With an amendment to the last named bill.

That they had adopted a resolution fixing a day for the election public officers.

1. Mr. Bryan presented the petition of Susannah Shultz, praying to be divorced from her husband, David Shultz.

2. Mr. Garnett presented the petition of sundry contractors on the Glasgow and Scottsville turnpike road, praying that provision be made for the payment of the amounts respectively due them for work done on said road.

3. Mr. Bramlette presented the petition of sundry citizens of Russell county, praying to be added to the county of Clinton.

4. Mr. Vance presented the petition of Daniel Smith, praying to be divorced from his wife, Mary Smith.

5. Mr. Wortham presented the petition of Joel Williams, praying the passage of a law correcting an error committed by E. Curd, receiver of public moneys for lands west of the Tennessee river.

6. Mr. J. White presented the petition of James M. Compton, praying to be divorced from his wife, Sarah E. Compton.

7. Mr. Wortham presented the petition of Mary Jane Owen, praying to be divorced from her husband, David C. Owen.

8. Mr. R. Wickliffe, Jr., presented the petition of Thomas Randall, Larkin C. Randall and Benjamin F. Graves, praying the passage of a law releasing them from a bond given to the State, for the safe keeping and return of certain public arms.

9. Mr. Swope presented the petition of J. T. & J. C. Ham, contractors at lock No. 4, on Licking river, praying remuneration for losses sustained by them on six, and thirty year State bonds paid them by the State.

Which petitions were severally received, the reading thereof dispensed with, and referred—the 1st, 4th, 6th and 7th to the committee on Religion; the 2d and 9th to the committee on Internal Improvement; the 3d to the committee on Propositions and Grievances; the 5th to the committee for Courts of Justice; and the 8th to the committee of Military Affairs.

The Speaker laid before the House the annual report of the Trustees of the Deaf and Dumb Asylum at Danville, which is as follows, viz:

To the Hon. the Senate and House of
Representatives of the Commonwealth of Kentucky.

The undersigned, committee of the Deaf and Dumb Asylum, respectfully report:

That this Institution is doing well. There has been no change in the teachers, and we feel confident that, as regards instruction and proper treatment, it may, with propriety, be classed with the best of its kind in the U. States. The number of pupils are fifteen supported by the State, and eight who are supported by parents and friends. During the past year they have enjoyed remarkably good health, owing, as we believe, under Providence, to the care and attention of the Superintendent and Matron.

We stated, in our last report, that about 4,000 acres of land, belonging to the Asylum, in Florida, remained unsold. We are not advised of any sales since then. Our late Agent, Col. R. C. Allen, died a few months ago, and Henry C. Washington, Esq. Receiver of Public Money at Tallahassee, has been appointed in his stead. This gentleman was highly recommended as a suitable Agent. The death of Col. Allen, and the consequent suspension of the business of the Asylum, in which he was engaged, rendered it necessary to apply to Congress for a further extension of time to locate and sell lands. Measures have been taken to have a settlement of his accounts, which, we trust, will be arranged satisfactorily. It is believed that the bonds in the hands of our Agent, with the proceeds of the lands unsold, should produce a sum exceeding fifty thousand dollars; but the condition of that country, and particularly its currency, induces a belief that it will be some years before the business of the Asylum can be brought to a close.

The Treasurer's report and a list of the pupils is enclosed.

OFFICERS OF THE INSTITUTION.

John A. Jacobs, Principal Teacher; Wm. D. Kerr, Assistant Teacher; Dr. John Todd, Attending Physician; J. Barbour, Treasurer; J. A. Jacobs and Lady, Superintendent and Matron.

Should it be the pleasure of the Legislature to examine the Institution by a committee, or to see some of the pupils at Frankfort, the Trustees will take pleasure in complying with their wishes.

JOHN TODD,
J. BARBOUR. } *Committee.*

DANVILLE, *January 12th*, 1842.

JAMES BARBOUR, TREASURER,

In account with Deaf and Dumb Asylum.

1842,			Dr.
January 1st,	Amount of individual notes on hand,		$3,463 68
	Amount of Florida notes on hand, due in May and June next,		6,240 00
	Cash of State Treasury in last year,		1,854 99
			$11,558 67

		Cr.	
Cash paid for	board, (1841,)	$1545 30	
Do	Jacobs for salary,	900 00	
Do	Kerr for salary,	900 00	
Do	Secretary and Treasurer for salary,	75 00	
Do	Advertising,	6 00	
Do	Insurance,	36 00	
Do	Plank for repairs,	27 57	
Do	Fuel for 1840–41,	71 06	
Do	Contingent expenses,	31 13	
Do	Physician's bill,	4 00	
			3,596 06
			$7,962 61

A list of Pupils in the Kentucky Asylum for the Deaf and Dumb, 1842.

NAMES.	RESIDENCE.	AGE.
John Dickson,	East Feliciana Par. Louisiana,	17
John P. C. Porter,	Ohio county, Kentucky,	22
*Michael Harrell,	Grayson county, Kentucky,	22
*James George,	Garrard county, Kentucky,	14
*Caroline Orr,	Garrard county, Kentucky,	27
*Mary Jane Campbell,	Logan county, Kentucky,	12
Mary Ellen Orchard,	Bloomington, Indiana,	12
Mary Ann Adams,	Mercer county, Kentucky,	21
*Maston Gore,	Caldwell county, Kentucky,	13
*Lucy J. Fitspatrick,	Adair county, Kentucky,	15
Elizabeth Noel,	Anderson county, Ten.,	19
*Elizabeth Orr,	Garrard county, Kentucky,	17
*Samuel Harris,	Grayson county, Kentucky,	23
Henry Waggoner,	Christian county, Kentucky,	13
*Rebecca Proctor,	Logan county, Kentucky,	18
*John Thomas Proctor,	Logan county, Kentucky,	12
*Joseph L. Edmiston,	Mercer county, Kentucky,	23
*Elizabeth Adams,	Rockcastle county, Kentucky,	13
*Elizabeth Ray,	Nelson county, Kentucky,	13
*Malinda Webb,	Louisville, Kentucky,	24
*William J. Layne,	Garrard county, Kentucky,	19
Emily Johnson,	Cape Girardeau, Missouri,	14
William A. Whitley,	Lincoln county, Kentucky,	17

NOTE—Those marked with an asterisk are State pupils.

The Speaker, in pursuance of a joint resolution, appointed Messrs. Craddock, W. F. Bullock, Fible and Noe, a committee to examine Transylvania University and the Lunatic Asylum.

The question was then taken on discharging the committee for Courts of Justice, from the further consideration of the resolution directing them to enquire into the expediency of branching the Court of Appeals, and decided in the affirmative.

Ordered, That said resolution be referred to Messrs. E. I. Bullock, Thomasson, Hays, Martin and Dixon.

Mr. McKee, from the committee for Courts of Justice, to whom was referred the petition of John Hughes, and the petition of sundry citizens of Lancaster—reported the same, with the following resolution, viz:

Resolved, That said petitions be rejected.

Which was concurred in.

Mr. Hays, from the same committee, to whom was referred the petition of Wesley Tully—reported the same, with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. Browder, from the committee on Religion, to whom was referred a bill from the Senate, entitled, an act for the benefit of Susannah Watts—reported the same without amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. W. Kennedy, from the committee on Enrollments, reported that the committee had examined enrolled bills and resolutions from the Senate of the following titles, and had found the same truly enrolled, viz:

An act to change the place of voting in the Panther precinct, in the county of Hancock.

An act for the benefit of John M. Baker, Surveyor of Cumberland county.

An act to regulate the terms of the Jefferson circuit court.

A resolution to examine Transylvania University and the Lunatic Asylum.

A resolution concerning the soldiers of the revolution.

A preamble and resolutions concerning the repudiation of State debts.

A resolution to authorize the Secretary of State to deliver to the Kentucky Historical Society certain books and documents.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Kennedy inform the Senate thereof.

Mr. Browder, from the committee on Religion, to whom was referred the petition of Martha J. Pearce—reported the same, with the following resolution, viz;

Resolved, That said petition be rejected.

Mr. Thomasson moved to amend said resolution by striking out "be rejected," and inserting "is reasonable."

On motion of Mr. Thomasson,

Ordered, That said resolution and amendment lie on the table for the present.

Mr. Browder, from the same committee, to whom was referred the petition of Betsey Reeves; the petition of William C. Cardwell; and the petition of Maria C. Cardwell, each praying for a divorce—reported the same, with the following resolution, viz:

Resolved, That said petitions be rejected.

Which was concurred in.

On motion of Mr. Vance, leave was given to withdraw the petitions of William C. Cardwell and Maria C. Cardwell, and the same were withdrawn.

Mr. Triplett, from the same committee, to whom was referred the petition of William Fenwick—reported the same, with the following resolution, viz:

Resolved, That said petition be rejected.

Mr. Young moved to amend said resolution by striking out the words "be rejected," and inserting "is reasonable."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Dixon and Buford, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Botts,	Johnson, D. B.	Paxton,
Brown, J. S.	Lewis,	Thomasson,
Brown, T. D.	Lykins,	Triplett,
Chowning,	Martin,	Wand,
Conklin,	Morgan,	Wortham,
Gholson,	Noe,	Young—19.
Ireland,		

Those who voted in the negative, were—

Mr. Speaker,	Cummins,	Munday,
Messrs. Barbour,	Dixon,	Nuttall,
Barnett,	Drake,	Owsley,
Basye,	Fible,	Petree,
Biggs,	Fletcher,	Prewitt,
Bowman,	Flournoy,	Rouse,
Bramlette,	Forman,	Rumsey,
Brawner,	Gaines,	Sanders,
Brien,	Garnett,	Skiles,
Browder,	Gilliam,	Smith, B.
Buford,	Graham,	Stone,
Bullock, E. I.	Harrison,	Taylor,
Bullock, W. F.	Hays,	Thompson,
Busby,	Holbrook,	Todd,
Carlisle,	Innes,	Vance,
Carpenter,	Jefferson,	Vawter,
Chism,	Karrick,	Wakefield,
Chrisman, G. T.	Kennedy, J.	Weir,
Chrisman, M. T.	Kennedy, W.	Welch,
Clarke,	Kinkead,	Whaley,
Coombs,	Kirtley,	White, J.
Conway,	Marshall, W. N.	White, D.
Cornish,	McCann,	Wickliffe, R.
Cox,	McKee,	Wickliffe, R. L.
Craddock,	Morin,	Wolfe—75.

Mr. Barbour moved the following resolution, viz:

Resolved, That the committee for Courts of Justice be instructed to bring in a bill, making all cases in which a guardian seduces his ward, a penitentiary offence.

Mr. Skiles moved an amendment to said resolution.

Mr. Craddock then moved an amendment to the amendment proposed by Mr. Skiles.

Mr. Barbour moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the affirmative.

The main question was then put—Shall the resolution be adopted? and it was decided in the affirmative.

Mr. Triplett, from the committee on Religion, to whom was referred the memorial of sundry citizens of Fleming county, in relation to the law granting license to retail spiritous liquors—reported the same, with the following resolution, viz:

Resolved, That it is inexpedient to legislate on that subject.

Which was concurred in.

Mr. Triplett, from the same committee, asked leave to be discharged from the further consideration of a leave to bring in a bill for the benefit of Mary Matlock, of the county of Cumberland—which was granted.

On motion of Mr. Vance, the committee on Ways and Means were discharged from bringing in a bill for the benefit of the late Sheriff of Campbell county.

Mr. Thomasson, from the committee on Propositions and Grievances, to whom was referred the petition of Wm. P. C. Campbell, and the petition of Frances Rogers and her children, asked leave to be discharged from the further consideration of said petitions—which was granted.

Ordered, That said petitions be referred to the committee for Courts of Justice.

Mr. Thomasson, from the same committee, to whom was referred the petition of sundry citizens of New Castle, in relation to some streets and alleys—reported the same, with the following resolution, viz:

Resolved, That the said petition be rejected.

Which was concurred in.

Mr. W. N. Marshall, from the committee on Privileges and Elections, to whom was referred a bill from the Senate, entitled, an act to change the place of voting in the Green Spring precinct in Green county—reported the same, with an amendment, which was concurred in.

Ordered, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Vance, from the committee on Ways and Means, to whom was referred a bill for the benefit of A. A. Tanner—reported the same, with an amendment, which was concurred in.

Ordered, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and it was decided in the negative; and so the said bill was rejected.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee for Courts of Justice—1. A bill for the benefit of Jane Myers.

By same—2. A bill to incorporate the Trustees of the Lancaster Presbyterian Church.

By the committee on Religion—3. A bill for the divorce of William M. Miller.

By same—4. A bill for the divorce and change of name of Louisa Maria Haydon.

By same—5. A bill for the divorce of Louisa Clore.

By same—6. A bill for the divorce of Jerusha Foster.

By Mr. Vance—7. A bill to increase the jurisdiction of Justices of the Peace in this Commonwealth.

By the committee on Ways and Means—8. A bill for the benefit of John Carlisle, late Sheriff of Campbell county.

By same—9. A bill for the benefit of the Sheriff of Clay county.

By same—10. A bill for the benefit of the Sheriff of Green county.

By the committee on Internal Improvement—11. A bill to amend an act, supplemental to an act, entitled, an act to improve the navigation of Nolin, approved February 20, 1835.

By the committee on Education—12. A bill to establish the Kentucky Institute, for the education of the blind.

By the committee on Military Affairs—13. A bill for the benefit of the Lexington Grenadiers.

By same—14. A bill for the benefit of Coleman Graves.

By same—15. A bill for the benefit of Henry Smith, and others.

By the committee on the Sinking Fund—16. A bill for the benefit of George E. Blackburn.

By the committee on Propositions and Grievances—17. A bill to establish the county of Crittenden, and for other purposes.

Which were read the first time and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 2d, 3d, 4th, 5th, 6th, 8th, 9th, 10th, 11th, 13th, 14th, 15th, 16th and 17th were severally ordered to be engrossed and read a third time; the 7th was referred to the committee for Courts of Justice; and the 12th was referred to a committee of the whole House for Monday the 24th instant.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 3d, 4th, 5th, 6th, 8th, 9th, 10th, 11th, 13th, 14th, 15th, 16th and 17th bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On motion of Mr. Dixon—1. A bill for the benefit of John Green, Sheriff of Henderson county.

On motion of Mr. M. T. Chrisman—2. A bill for the benefit of the Sheriff of Wayne county.

On motion of Mr. Drake—3. A bill to incorporate the Six Mile Academy, in Shelby county.

Ordered, That the committee on Ways and Means prepare and bring in the 1st and 2d; and Messrs. Drake, G. T. Chrisman and Thompson the 3d.

On motion of Mr. Kinkead,

Resolved, That a select committee be appointed to enquire into the expediency of passing a law to enlarge and more fully protect the rights of married women.

Whereupon Messrs. Kinkead, Thomasson, Dixon and Clarke, were appointed said committee.

On motion of Mr. W. F. Bullock,

Resolved, That the use of this Hall be given to Dr. Drake, on this evening, for the purpose of delivering an address on temperance.

And then the House adjourned.

SATURDAY, JANUARY 15, 1842.

A message was received from the Senate announcing their disagreement to a bill from this House, entitled, an act for the benefit of Allen Moody.

That they had passed bills from this House of the following titles, viz:

An act to establish an election precinct in the county of Morgan, and for other purposes.

An act for the divorce and change of name of Elizabeth Ware.

An act for the benefit of George E. Blackburn.

An act to legalize the elections of certain school districts in Caldwell county.

An act for the benefit of Samuel D. Hawke and others.

An act to change the place of voting in the Westport precinct, in Oldham county.

An act for the benefit of Alfred Tarlton and his securities.

An act for the benefit of Polly Coffer.

An act for the benefit of Lois Smallwood.

An act to reduce the number of Justices of the Peace in Greenup county.

An act to amend the revenue laws.

With amendments to the two last named bills.

That they had concurred in the amendment proposed by this House to a a resolution from that, entitled: "A resolution to place a tomb over the grave of John Adair, late Governor of Kentucky.

That they had passed bills of the following titles, viz:

An act for the benefit of William B. Dunlap.

An act to allow Jonathan Davidson a change of venue.

An act for the benefit of Wilson M. Taylor's heirs.

An act for the benefit of George M. Lambert.

An act for the benefit of Anderson Wade.

And had adopted a preamble and resolution in relation to water-rotted hemp.

1. Mr. W. F. Bullock presented the memorial of the President and Directors of the Bank of Kentucky, praying an amendment to their charter.

2. Mr. Bryan presented the remonstrance of sundry citizens of Calloway county, against a division thereof.

3. Mr. Owsley presented the remonstrance of sundry citizens of Mercer county, against the establishment of a new county out of parts of said county and the county of Lincoln.

4. Mr. Fletcher presented the petition of Alexander Burnam, praying a change of venue in the prosecution now pending against him in the McCracken circuit court, for forgery.

5. Mr. W. F. Bullock presented the petition of Peter Jameson, (a free man of colour,) praying the passage of a law, authorizing him to become a citizen of Kentucky, and for other purposes.

6. Mr. T. D. Brown presented the petition of James Hazer, praying compensation for taking care of, and maintaining John Hazer, an idiot.

7. Mr. Weir presented the petition of Edward Rumsey, administrator of Richard Elliott, dec'd, praying to be discharged from the penalty of a bond given to the Commonwealth, for the return of public arms.

8. Mr. D. White presented the petition of Elisha Breeding, praying the passage of a law legalizing his marriage with his present wife, Balinda Breeding.

9. Mr. R. L. Wickliffe presented the petition of Jacob Rizer, praying to be released from a bond given by him to the State, for the return of public arms.

10. Mr. Cornish presented the petition of Richard Singleton, praying for a change of venue in a prosecution now pending against him in the Mercer circuit court.

11. Mr. Conklin presented the petition of Esther Thompson, praying to be divorced from her husband, George Thompson.

Which memorial, remonstrances and petitions were severally received, the reading thereof dispensed with, and referred—the 1st, 4th, 5th and 10th to the Committee for Courts of Justice; the 2d and 3d to the committee of Propositions and Grievances; the 6th to the committee on Claims; the 7th and 9th to the committee on Military Affairs; and the 8th and 11th to the committee on Religion.

Ordered, That the Public Printer forthwith print 150 copies of the memorial of the President and Directors of the Bank of Kentucky, praying for an amendment of the charter of said Bank, for the use of the members of the General Assembly.

Mr. Young asked leave to withdraw the petition of William Fenwick—which was granted, and the petition withdrawn.

Mr. Craddock, from the committee on Claims, to whom was referred a bill from the Senate, entitled, an act for the benefit of Charles P. Howard and others—reported the same, with an amendment, which was concurred in.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That the same do pass, and that the title thereof be as aforesaid.

Mr. Thompson, from the same committee, to whom referred the petition of A. J. James—reported the same, with the following resolution, viz:

Resolved, That the said petition be rejected.

Which was concurred in.

Mr. Nuttall, from the committee for Courts of Justice, to whom was referred bills of the following titles, viz:

A bill for the benefit of George H. and Sarah Jane Million.

A bill to amend an act, entitled, an act concerning Sheriffs, approved December 27, 1803.

Reported the same without amendment.

And the question being taken on engrossing and reading said bills a third time, it was decided in the negative; and so the said bills were rejected.

Mr. Nuttall, from the same committee, to whom was referred the petition of George Greenwell, and the petition of J. S. Allison—reported the same, with the following resolution, viz:

Resolved, That said petitions be rejected.

Which was concurred in.

Mr. McKee, from the same committee, to whom was referred a bill from the Senate, entitled, an act to extend the terms of the Nicholas circuit court, and change the May and November terms of the Estill circuit court—reported the same without amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. R. Wickliffe, Jr., from the same committee, to whom was referred the petition of Prior Sandford and wife, and the petition of sundry citizens of Butler county—reported the same, with the following resolution, viz:

Resolved, That said petitions be rejected.

Which was concurred in.

Mr. R. Wickliffe, Jr., from the same committee, to whom was referred bills from the Senate of the following titles, viz:

An act for the recording of Commissioners deeds in the county court clerks' offices.

An act concerning the action of petition and summons.

Reported the first with, and the latter without, amendment, which was concurred in.

Ordered, That said bills be read a third time.

Mr. R. Wickliffe, Jr., from the same committee, to whom was referred a resolution, directing them to enquire into the expediency of passing a law punishing, with death, robbery from the person with intent to kill, asked leave to be discharged from the further consideration—which was granted.

Ordered, That said resolution be referred to Messrs. Swope, Vawter, Dixon and Thomasson.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Claims—A bill for the benefit of Coonrod Havens.

By same—A bill for the benefit of Thomas Y. Johnson.

By same—A bill for the benefit of Edward W. Dowden.

By the Committee for Courts of Justice—A bill declaring the office of Constable and county Surveyor, incompatible, and for other purposes.

By same—A bill to regulate the terms of the Bath circuit court.

By same—A bill to amend an act, entitled, an act to reduce into one the several acts respecting slaves, free negroes, mulattoes and Indians, approved February 8, 1798.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. R. Wickliffe, Jr., from the committee for Courts of Justice, to whom was referred leave to bring in a bill for the benefit of Stephen Chipley, asked leave to be discharged from the further consideration thereof; and after some discussion had thereon, the House proceeded to the orders of the day.

Ordered, That the resolutions proposed by Mr. Thomasson, and the resolution proposed by Mr. R. Wickliffe, Jr., be postponed to Tuesday the 25th instant, and made the special order for that day.

The amendments proposed by the Senate to bills from this House of the following titles, viz:

An act allowing an additional Justice of the Peace and Constable to Bath county, and for other purposes.

An act to reduce the number of Justices of the Peace in Greenup county.

An act to amend the revenue laws.

Were twice read and concurred in.

A resolution from the Senate fixing a day for the election of public officers, was twice read and adopted.

Mr. Triplett, from the committee on Enrollments, reported that the committee had examined enrolled bills from this House of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of Alfred Tarlton and his securities.

An act for the benefit of George E. Blackburn.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Triplett inform the Senate thereof.

Bills from the Senate of the following titles, viz:

1. An act for the benefit of William B. Dunlap.
2. An act to allow Jonathan Davidson a change of venue.
3. An act for the benefit of Wilson M. Taylor's heirs.
4. An act for the benefit of Anderson Wade.
5. An act for the benefit of William M. Lambert.

Were read the first time and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 2d and 3d were referred to the

committee for Courts of Justice, and the 4th and 5th to the committee on Religion.

Ordered, That the preamble and resolutions from the Senate in relation to water-rotted hemp, be referred to the committee on Agriculture and Manufactures, with the following instructions, viz:

To report the probable amount of hemp which could be water-rotted and furnished by Kentucky for the use of the Navy of the United States: the propriety of having the hemp partially manufactured by being spun at home into twine; and whatever further statistics and information they may procure which may shed light upon this subject.

An engrossed bill, entitled, an act to amend an act providing that persons dying without heirs or distributees shall vest in the Commonwealth, and for other purposes—was read a third time.

On motion of Mr. Nuttall,

Ordered, That said bill be laid on the table for the present; and that the Public Printer forthwith print 150 copies of said bill for the use of the members of the General Assembly.

Engrossed bills of the following titles, viz:

An act to amend the several laws appropriating the vacant lands to the counties in which they lie.

An act to amend the law concerning attachments.

Were read a third time.

Resolved, That said bills do pass and that the titles thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Garnett—1. A bill to change the 8th and 18th judicial districts, in part.

On the motion of Mr. Morgan—2. A bill for the benefit of the Sheriff of Meade county.

Ordered, That the committee for Courts of Justice prepare and bring in the 1st, and Messrs. Morgan, Craddock and Conklin the 2d.

Mr. Thomasson, from the committee on Propositions and Grievances, asked leave to be discharged from the further consideration of leave to bring in a bill for the benefit of Thomas E. Jones, Sheriff of Casey county—which was granted.

Ordered, That the committee on Ways and Means prepare and bring in the same.

And then the House adjourned.

MONDAY, JANUARY 17, 1842.

A message was received from the Senate announcing their disagreement to a bill from this House, entitled, an act for the benefit of Benjamin W. Graves.

That they had passed bills fron this House of the following titles, viz:

An act for the benefit of James W. Porter.

An for the benefit of the late Sheriff of Pulaski county.

An act to authorize the Hopkins county court to lay the levy for said county at the May term thereof.

An act for the benefit of the Richwood Presbyterian Church.

An act authorizing a special chancery term in the county of Campbell.

With an amendment to the last named bill.

That they had passed a bill, entitled, an act for the benefit of Henry O. Brown and others.

A message was received from the Governor by Mr. Harlan, Secretary of State, announcing that he had approved and signed enrolled bills which originated in this House, of the following titles, viz:

An act for the benefit of William Stanhope.

An act to allow additional Justices of the Peace to Wayne and Owen counties. Approved January 8, 1842.

An act for the benefit of George E. Blackburn.

An act for the benefit of Alfred Tarlton and his securities.

Approved January 15, 1842.

Mr. Nuttall presented the petition of sundry citizens of Carroll county, praying the establishment of a Commonwealth's Bank—which was received and read.

Mr. Clark moved to lay said petition on the table until the first day of June next.

And the question being taken thereon it was decided in the negative.

The yeas and nays being required thereon by Messrs. Nuttall and T. D. Brown, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Garnett,	Noe,
Messrs. Biggs,	Gholson,	Owsley,
Botts,	Harrison,	Paxton,
Browder,	Hays,	Petree,
Buford,	Holbrook,	Skiles,
Carpenter,	Jefferson,	Smith, B.

Clarke,	Kennedy, J.	Todd,
Coombs,	Kennedy, W.	Vawter,
Cox,	Kinkead,	Weir,
Dixon,	McKee,	White, D.—31.
Fletcher,		

Those who voted in the negative, were—

Messrs. Barbour,	Flournoy,	Rouse,
Barnett,	Forman,	Rumsey,
Bowman,	Gaines,	Sanders,
Bramlette,	Gilliam,	Smith, J. Speed
Brawner,	Graham,	Stone,
Brien,	Innes,	Swope,
Brown, J. S.	Ireland,	Taylor,
Brown, T. D.	Johnson, D. B.	Thomasson,
Bullock, E. I.	Karrick,	Thompson,
Busby,	Kirtley,	Triplett,
Carlisle,	Lewis,	Vance,
Chism,	Lykins,	Wakefield,
Chowning,	Marshall, W. N.	Wand,
Chrisman, M. T.	McCann,	Whaley,
Conklin,	Martin,	White, J.
Conway,	Morgan,	Wickliffe, R.
Cornish,	Morin,	Wickliffe, R. L.
Craddock,	Munday,	Wolfe,
Cummins,	Nuttall,	Wortham,
Fible,	Prewitt,	Young—60.

Ordered, That said petition be referred to Messrs. Nuttall, Craddock, Barbour, Sanders, T. D. Brown, Triplett, Conklin, Bramlette and E. I. Bullock.

On motion of Mr. J. Speed Smith,

Resolved, That the Rev. Thomas P. Dudley be permitted to hold divine worship in the Representative Hall, on the last Sabbath in this month.

On motion of Mr. J. Speed Smith,

Resolved, That Joseph Gray, Sergeant-at-Arms, be permitted to avail himself of the services of his son, James Gray, as an assistant during the present session.

The Speaker laid before the House a communication from the Secretary of State, enclosing sundry balance sheets of the First and Second Auditors, and the Treasurer.

Ordered, That they be referred to the committee on Public Offices.

On motion of Mr. McKee,

Resolved, That the use of this Hall be tendered to James Shannon, President of Bacon College, for the purpose of divine worship, on the first Sabbath in February.

Mr. R. L. Wickliffe moved the following resolutions, viz:

Resolved, That the Board of Internal Improvement furnish this House with answers to the following interrogatories:

1st. Whether any of the local boards on the turnpike roads of this Commonwealth, which have not as yet been completed, have or not applied the funds which they, or any of them, received from the Treasury of this State since the 1st day of January, 1840, to the payment of debts due for work which had been previously done? or whether the said funds, or any portion thereof, have at any time been applied to the payment of debts created at any time subsequently, leaving older debts unpaid?

2d. Whether any contracts have been made, or work let out, by any of the said boards, since the 1st day of January, 1840?

3d. Whether the said local boards, or any of them, have or not at any time required contractors to take one third of the debt due to them for work done, in stock, before the said board would pay them the said debts? and whether any of the said contractors have or not done so, the said boards informing them that they could only get their pay upon this condition? If any have been thus paid—how many? What amount has been taken in stock by this arrangement? and if not one third, how much said contactors have been required to take in stock, and the time when such stock was taken? And further, whether or not contractors have been required to assume the payment of stock subscribed by individuals, to obtain their pay as above? If so, how much?

4th. Whether the contractors, or any of them, have or not, in taking contracts from said board, or any of them, been reqnired to take one third of the price to be given, in stock? If any, state how much stock has been thus received? State the amount paid out by the several boards, and to whom paid? How much has been paid to the several officers connected with each of the said roads, annually? and how much is now due them? How much work has been let out by each of the said boards to contractors? and what are the estimates of the work?

And if said Board of Internal Improvement have not at this time the information sought for by the foregoing resolution, that they transmit a copy thereof to each of the local boards, and procure answers from each of them to the several interrogatories herein propounded, for the use of this House.

Which being twice read was adopted.

Mr. Morgan presented the petition of the widow and heirs of John B. Hill, dec'd, praying for a sale of the land and negroes belonging to said decedent—which was received, the reading thereof dispensed with, and referred to the Committee for Courts of Justice.

On motion of Mr. Dixon, leave was given to bring in a bill for the benefit of the heirs of Joseph McAlister, dec'd.

Ordered, That the committee for Courts of Justice prepare and bring in the same.

And then the House adjourned.

TUESDAY, JANUARY 18, 1842.

A message was received from the Senate announcing their concurrence in the amendments proposed by this House to bills from that House of the following titles, viz:

An act to change the place of voting in the Green Spring precinct, in Green county.

An act for the benefit of Charles P. Howard and others.

That they had passed bills from this House of the following titles, viz:

An act for the benefit of William W. Bell.

An act for the benefit of the Second Presbyterian Church in Louisville.

An act for the benefit of Thomas Y. Johnson.

An act for the benefit of the Lexington Grenadiers.

An act to amend the charter of the Louisville and Portland canal company.

With an amendment to the last named bill.

That they had passed bills of the following titles, viz:

An act concerning bills of exchange.

An act to change the July and October terms of the Marion circuit court.

An act to authorize and enable the city of Louisville to erect water works.

An act concerning the payment of taxes on non-resident land, and for other purposes.

An act for the benefit of John S. Bush.

An act allowing William Dalton a change of venue.

An act for the benefit of Mary Hall, and her children.

An act to establish a library association in Louisville.

That they had received official information from the Governor that he had approved and signed enrolled bills and resolutions which originated in the Senate, of the following titles, viz:

An act for the benefit of Isaac W. Walker, and others.

Approved January 8, 1842.

An act to change the place of voting in the Panther precinct, in the county of Hancock.

An act for the benefit of John M. Baker, Surveyor of Cumberland county.

An act to regulate the terms of the Jefferson circuit court.

Approved January 14, 1842.

A preamble and resolutions concerning the repudiation of State debts.

Resolutions concerning the soldiers of the revolution.

A resolution to appoint a committee to examine Transylvania University and the Lunatic Asylum.

A resolution to authorize the Secretary of State to deliver to the Kentucky Historical Society certain books and documents.

Approved January 14, 1842.

1. Mr. Nuttall presented the petition of the Justices of the Henry county court, praying an amendment of the law in relation to keeping public roads in repair.

2. Mr. E. I. Bullock presented the petition of James and Polly Mitchell, praying to be divorced from each other.

3. Mr. Gholson presented the petition of the Trustees of the Christian Academy, praying that the female branch of said Academy be disconnected with the male branch thereof.

4. Mr. Browder presented the petition of sundry citizens of Mercer and Lincoln counties, praying the establishment of a new county out of parts of said counties.

5. Mr. Cornish presented the remonstrance of sundry citizens of Mercer county, against the establishment of a new county out of parts of said county and the county of Lincoln.

6. Mr. Vawter presented the petition of Isham G. Hamilton, Clerk of the Boone county court, praying to be released from the payment of $30, which he failed to charge and receive on a pedlar's license.

7. Mr. Vawter presented the petition of Jacob Carpenter, praying the passage of a law changing the line between Boone and Kenton counties, so as to include him in the county of Boone.

8. Mr. E. I. Bullock presented the petition of Lucy B. Green, praying to be divorced from her husband, Henry L. Green

9. Mr. Taylor presented the petition of sundry citizens of Union county, praying the passage of a law extending the terms of the circuit court for said county.

10. Mr. Bryan presented the petition of sundry citizens of Calloway county, praying the establishment of an election precinct in said county.

11. Also, the petition of sundry citizens of Calloway county, praying for a division of said county, and the establishment of a new county out of part thereof.

12. Mr. Rouse presented the petition of sundry citizens of the town of Grayson, in Carter county, praying the passage of a law incorporating said town, and to allow an additional Justice of the Peace to said county.

13. Mr. Triplett presented the petition of sundry citizens of the town of Owensboro', praying the passage of a law allowing the Trustees of said town, or the county court of Daviess county, to license coffee houses.

14. Also, the remonstrance of sundry citizens of Daviess county, against the formation of a new county out of parts thereof.

15. Mr. Nuttall presented the petition of Messrs. Raush and Farquharson, praying remuneration for losses sustained by them on State bonds, received for work done on lock and dam No. 2, on the Kentucky river.

16. Mr. Morgan presented the petition of sundry citizens of Meade county, praying the establishment of a Commonwealth's Bank.

17. Mr. Lewis presented the petition of H. O. Beatty, praying the passage of a law directing a patent to issue to him for certain lands.

Which petitions and remonstrances were severally received, the reading thereof dispensed with, (except the 16th, which was read,) and referred—the 1st and 15th to the committee on Internal Improvement; the 2d and 8th to the committee on Religion; the 3d to Messrs. Gholson, Harrison and Dixon; the 4th, 5th, 7th, 11th, 12th and 14th to the committee on Propositions and Grievances; the 6th and 13th to the committee on Ways and Means; the 9th and 17th to the committee for Courts of Justice; the 10th to the committee on Privileges and Elections; and the 16th to Messrs. Nuttall, Craddock, Barbour, Sanders, T. D. Brown, Triplett, Conklin, Bramlette and E. I. Bullock.

The Speaker laid before the House the annual report of the President of the Bank of the Commonwealth, which is as follows:

COMMONWEALTH'S BANK OFFICE,
January 17th, 1842.

To the Hon. C. S. MOREHEAD,
Speaker of the House of Representatives.

SIR:

I have the honor, herewith, to communicate to the General Assembly, a statement of the condition of the Bank of the Commonwealth of Kentucky. The annexed balance sheet exhibits the nominal resources and liabilities of the institution on the 31st day of December, 1841. Since which time there has been redeemed and cancelled by burning of notes payable, $289 12 cents, thereby leaving still in circulation of notes unredeemed, the sum of $1,582 16 cents.

Owing to the unprecedented embarrassment in the monetary affairs of the country, aided by the slow and contested progress of litigation, I have not received that prompt action on the part of the debtors and Attorneys of the Bank, in the collection and payment of her debts, that I had cause to anticipate at the time of my last annual report.

Since the business of the institution has been confided to my charge, every exertion has been made to ascertain the true condition of its resources and liabilities; and from the best information I have obtained, the Commissioners of the Sinking Fund will yet realize the sum of $15,000—and should the termination of some pending suits prove favorable to the Bank, the additional sum of $15,000.

Thus it will be seen that almost the entire resources of the institution are in contested litigation, and in many cases every shift and device, known in legal proceedings, have been resorted to by debtors, to hinder, delay and prevent collections on the part of the Bank.

With great respect,

O. G. CATES, *President.*

LIABILITIES.

Stock,	$348,729 88
Notes payable,	1,871 28
Interest,	4,154 27
Individual depositors, unapplied,	6,396 45
	$361,151 88

RESOURCES.

Bills receivable,	$240,517 26
Real estate,	24,739 97
Treasurer for Commissioners of the Sinking Fund,	7,675 00
A. Waggoner's administrators,	162 10
Delinquent Cashiers,	29,989 32
Attorneys,	7,195 76
Sheriff of Jefferson county,	50 00
Farmers' Bank of Harrodsburg,	1,671 94
Kentucky Exporting Company,	507 00
Individual tickets,	708 63
Turnpike stock,	908 00
State Bonds,	2,600 00
Profit and loss,	42,450 03
Expenses,	1,875 34
Cash on hand,	101 53
	$361,151 88

The House again resumed the consideration of the report of the committee for Courts of Justice, asking to be discharged from bringing in a bill for the benefit of Stephen Chipley.

And the question being taken thereon it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. R. Wickliffe, Jr., and Nuttall, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Gaines,	Paxton,
Messrs. Barbour,	Garnett,	Petree,
Barnett,	Gholson,	Prewitt,

Biggs,	Gilliam,	Rouse,
Botts,	Graham,	Rumsey,
Bowman,	Harrison,	Sanders,
Browder,	Hays,	Smith, B.
Brown, J. S.	Holbrook,	Smith, J. Speed
Buford,	Innes,	Stone,
Bullock, E. I.	Ireland,	Taylor,
Busby,	Jefferson,	Thomasson,
Carlisle,	Karrick,	Thompson,
Chism,	Kennedy, J.	Triplett,
Chowning,	Kinkead,	Todd,
Chrisman, G. T.	Kirtley,	Vance,
Clarke,	Lykins,	Vawter,
Coombs,	Marshall, W. N.	Wakefield,
Conklin,	McCann,	Welch,
Conway,	McKee,	Whaley,
Cornish,	Martin,	White, D.
Cox,	Morgan,	White, J.
Craddock,	Morin,	Wickliffe, R.
Cummins,	Munday,	Wickliffe, R. L.
Dixon,	Noe,	Wolfe,
Drake,	Owsley,	Young—76.
Fible,		

Those who voted in the negative, were—

Messrs. Bramlette,	Chrisman, M. T.	Nuttall,
Brawner,	Fletcher,	Swope,
Brien,	Johnson, D. B.	Weir,
Carpenter,	Lewis,	Wortham—12.

Mr. R. Wickliffe, Jr., from the committee for Courts of Justice, to whom was referred the petition of the guardian of the heirs of Reuben Canterberry—reported the same, with the following resolution, viz:

Resolved, That the said petition be rejected.

Which was concurred in.

Mr. R. Wickliffe, Jr., from the same committee, to whom was referred the petition of Jacob and William Luce, asked to be discharged from the further consideration thereof—which was granted.

Ordered, That said petition be referred to the committee on Internal Improvement.

Mr. W. Kennedy, from the committee on Enrollments, reported that the committee had examined sundry enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act to authorize the Hopkins County Court to lay the levy for said county at the May term thereof.

An act for the benefit of James W. Porter.

An act to reduce the number of Justices of the Peace in Greenup county.

An act for the benefit of the late Sheriff of Pulaski county.

An act for the benefit of Richwood Presbyterian Church.

An act allowing an additional Justice of the Peace and Constable to the county of Bath, and for other purposes.

An act to amend the revenue laws.

An act for the benefit of Nancy Sears.

An act to legalize the proceedings of the Trustees of the town of Poplar Plains, in the county of Fleming.

An act for the divorce and change of name of Elizabeth Ware.

An act to legalize the elections of certain school districts in Caldwell county.

An act to change the place of voting in the Westport precinct, in Oldham county.

An act for the benefit of Samuel D. Hawke, and others.

An act for the benefit of Polly Coffer.

An act for the benefit of Lois Smallwood.

An act to establish an election precinct in the county of Morgan, and for other purposes.

An act to amend the several laws to suppress the practice of duelling.

An act for the benefit of the heirs of Jesse Rubel, deceased, and others.

An act for the benefit of the Methodist Episcopal Church, in the town of Newport.

An act to amend the act, entitled, an act to establish a State road from Napoleon, in Gallatin county, to intersect the Covington and Georgetown turnpike road, at or near Monticello school house, in Grant county.

An act to authorize the County Court of Henderson county to discontinue a street in the town of Henderson.

An act to authorize the Trustees of Princeton Seminary to rent out the property.

An act for the benefit of the Somerset Academy.

An act for the benefit of the Clerk of the Whitley Circuit Court.

An act for the benefit of Elizabeth Taylor.

An act for the benefit of Matthew Cook.

An act authorizing the County Courts of Wayne, Russell and Hickman, to appoint overseers of the poor without building poor houses.

An act for the benefit of Harry I. Bodley and James C. Rodes.

An act for the benefit of Mary Ann and Basil B. Mason.

An act to establish an election precinct in the town of Steamport, in the county of Henderson, and to change the place of voting in another.

An act to change the place of voting in the Big Hill precinct, in Madison county.

An act for the benefit of David Mathis.

An act for the benefit of Presley M. Hoskins.

An act to establish a road from some convenient point on the Green river turnpike road, to the Edmonson county line, in a direction to the Mammoth Cave.

An act for the benefit of Henry Payne.

An act for the benefit of the Trustees of the Methodist Episcopal Church, in Lexington.

An act to establish a road from the mouth of Laurel, through London, to Bates' Salt Well, in Clay county.

An act for the benefit of Henry Crawford, and others.

An act to amend an act, entitled, an act to regulate the election of Trustees for the town of Port Oliver, in Allen county.

An act changing the names of James Tapp and Jane Hays.

An act for the divorce of Susannah Barnett, and to change her name.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Kennedy inform the Senate thereof.

Mr. R. Wickliffe, Jr., from the committee for Courts of Justice, to whom was referred a bill from the Senate, entitled, an act to amend the law concerning injuries to real estate—reported the same without amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. R. Wickliffe, Jr., from the same committee, to whom was referred bills from the Senate of the following titles, viz:

An act to amend the law concerning the probate of wills.

An act confirming the title of Juliet Henry in a lot of ground in the town of Bowlinggreen, deeded to her by the Trustees of the Methodist Episcopal Church.

Reported the same, with amendmeuts to each, which were concurred in.

Ordered, That said bills be read a third time.

Mr. E. I. Bullock, from the same committee, to whom was was referred the petition of Samuel Murrell, guardian of the infant children of John H. Bigger; the petition of Rowland Ingham; and the petition of Frances Rogers and her children—reported the same, with the following resolution, viz:

Resolved, That said petitions be rejected.

Which was concurred in.

Mr. E. I. Bullock, from the same committee, to whom was referred the amendment proposed by the Senate to a bill from this House, entitled, an

act to provide for the appointment of Commonwealth's Attorneys—reported the same without amendment.

The said amendment was then twice read and concurred in.

Mr. E. I. Bullock, from the same committee, to whom was referred leave to bring in a bill concerning the court of appeals, asked to be discharged therefrom.

And the question being taken thereon, it was decided in the negative.

The amendments proposed by the Senate to bills from this House of the following titles, viz:

An act authorizing a special chancery term in the county of Campbell.

An act to amend the charter of the Louisville and Portland canal company.

Were twice read and concurred in.

Bills from the Senate of the following titles, viz:

1. An act for the benefit of Henry O. Brown and others.
2. An act to establish a library association in Louisville.
3. An act for the benefit of Mary Hall, and her children.
4. An act allowing William Dalton a change of venue.
5. An act for the benefit of John S. Bush.
6. An act concerning the payment of taxes on non-resident land, and for other purposes.
7. An act to authorize and enable the city of Louisville to erect water works.
8. An act to change the July and October terms of the Marion circuit court.
9. An act concerning bills of exchange.

Were read the first time and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st was referred to the committee on Military Affairs; the 2d, 3d, 4th, 5th, 7th, 8th and 9th to the committee for Courts for Courts of Justice; and the 6th to the committee on Ways and Means.

The following bills were reported by the committee for Courts of Justice:

1. A bill for revising and publishing the laws of this State.
2. A bill for the benefit of the heirs of Bennet Rose, dec'd.

Which were read the first time and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of the said bills having been dispensed with, the 1st was postponed to and made the special order of the day for Tuesday the 25th instant; and the 2d was ordered to engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the 2d bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Public Printer forthwith print 150 copies of the first bill for the use of the members of the General Assembly.

Bills from the Senate of the following titles, viz:

1. An act for the recording of Commissioners' deeds in the county court clerks' offices.

2. An act concerning the action of petition and summons.

Were read the third time.

Resolved, That the 1st bill do pass and that the title thereof be as aforesaid; and the 2d was referred to the committee for Courts of Justice.

The House again resumed the consideration of the bill to regulate the salaries of certain officers of this Commonwealth, and to increase the resources of the Sinking Fund; and after some discussion being had thereon,

Then the House adjourned.

WEDNESDAY, JANUARY 19, 1842.

A message was received from the Senate announcing that they had disagreed from a bill from this House, entitled, an act for the benefit of the Sheriff of Clay county.

That they had passed bills from this House of the following titles, viz:

An act to amend the several laws appropriating the vacant lands to the counties in which they lie.

An act declaring the office of Constable and county Surveyor, incompatible, and for other purposes.

An act to regulate the terms of the Bath circuit court.

An act for the divorce of William M. Miller.

An act for the divorce and change of name of Laura Maria Haydon.

An act for the divorce of Lucinda Clore.

An act to change in part the State road in Carroll county.

An act for the benefit of John Carlisle, late Sheriff of Campbell county.

An act for the benefit of the Sheriff of Green county.

An act for the benefit of Edward W. Dowden.

An act for the benefit of Jane Myers.

An act for the benefit of Coonrod Havens.

With amendments to the two last named bills.

That they had concurred in the adoption of the preamble and resolutions from this House in relation to the Bankrupt Law, and the law distributing the proceeds of the sales of the public lands, with an amendment.

That they had passed bills of the following titles, viz:

An act for the benefit of Louisa Warder.

An act to change the terms of the Jefferson circuit courts, and for other purposes.

An act further to regulate proceedings in civil actions.

An act concerning the revenue of 1842.

1. Mr. Gholson presented the petition of Elizabeth Beazley, administratrix of James Beazley, dec'd, and others, praying the passage of a law authorizing a sale of certain real estate belonging to said deceased.

2. Mr. Lewis presented the petition of sundry citizens of Hickman county, praying the establishment of a new county out of parts of said county and the county of McCracken.

3. Mr. Fletcher presented the petition of sundry citizens of McCracken county, praying for the same object.

4. Mr. Bryan presented the petition of George M. Bearden, praying to be divorced from his wife, Mary Ann Bearden.

5. Mr. Fletcher presented the petition of Matthew W. Wortors, praying to be divorced from his wife, Matilda Wortors.

6. Mr. Triplett presented the petition of George Scarborough, for himself, and as guardian of the heirs of Philip Thompson, dec'd, praying the passage of a law legalizing the addition made to the town of Owensboro', and the passage of a law for the benefit of the heirs of said Thompson.

7. Mr. Petree presented the petition of George H. Hawl and William P. Arnold, praying the passage of a law permitting said Hawl to bring into this State a slave, now in Tennessee.

8. Mr. Martin presented the petition of the Floyd county court, praying a change in that part of the law in relation to roads, which requires a majority of Justices to be present when a new road is established.

Which petitions were severally received, the reading thereof dispensed with, and referred—the 1st, 6th, 7th and 8th to the committee for Courts of Justice; the 2d and 3d to the committee on Propositions and Grievances; and the 4th and 5th to the committee on Religion.

On motion of Mr. Dixon,

Resolved, That the use of the Hall of the House of Representatives be tendered to the ladies of Frankfort on Thursday evening next, to hold a Fair in aid of religious and benevolent purposes.

Mr. Vawter, from the committee for Courts of Justice, to whom was referred the petition of Burnley D. Smith, and the petition of James T. Chism, reported the same, with the following resolution, viz:

Resolved, That said petitions be rejected.

Which was concurred in.

Mr. Vawter, from the same committee, asked leave to be discharged from bringing in a bill for the benefit of D. Trimble and wife—which was granted.

Ordered, That the committee on Religion prepare and bring in the same.

Mr. Vawter, from the same committee, to whom was referred a bill from Senate, entitled, an act to amend the charter of the city of Maysville—reported the same without amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That the same do pass, and that the title thereof be as aforesaid.

Mr. Vawter, from the same committee, to whom was referred a resolution, directing them to bring in a bill making it a Penitentiary offence for a guardian to seduce his ward, asked to be discharged from the further consideration thereof—which was granted.

Mr. Hays, from the same committee, to whom was referred a bill from the Senate, entitled, an act for the benefit of Sylvania Floyd—reported the same, with an amendment, which was concurred in.

Ordered, That said bill be read a third time.

Mr. Hays, from the same committee, to whom was referred bills from the Senate of the following titles, viz:

An act to amend the law concerning sealed writings.

An act declaring in what cases negroes, mulattoes, Indians and slaves, shall be competent witnesses.

Reported the same without amendment.

And the question being taken on reading said bills a third time, it was decided in the negative; and so the said bills were disagreed to.

Mr. Hays, from the same committee, asked to be discharged from bringing in a bill for the benefit of James K. Gallion, late Sheriff of Whitley county, which was granted.

Ordered, That the committee on Ways and Means prepare and bring in the same.

Mr. Hays, from the same committee, asked to be discharged from the further consideration of a resolution, directing them to bring in a bill in relation to pedlars, compelling them to obtain license in every county where they may peddle—which was granted.

Ordered, That said resolution be referred to the committee on Ways and Means.

Mr. Hays, from the same committee, to whom was referred a bill to amend an act, entitled, an act to amend an act reserving certain property from execution, and for other purposes—reported the same without amendment.

And the question being taken on ordering said bill to be engrossed and read a third time, it was decided in the negative; and so the said bill was rejected.

Mr. Kinkead, from the same committee, asked to be discharged from bringing in a bill for the benefit of William Sullivan, Craven Sullivan, and Nancy Maxfield, heirs of Thomas Sullivan, dec'd.

And the question being taken thereon, it was decided in the negative.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had approved and signed enrolled bills which originated in this House, of the following titles, viz:

An act to authorize the Hopkins County Court to lay the levy for said county at the May term thereof.

An act for the benefit of James W. Porter.

An act to reduce the number of Justices of the Peace in Greenup county.

An act for the benefit of the late Sheriff of Pulaski county.

An act for the benefit of Richwood Presbyterian Church.

An act allowing an additional Justice of the Peace and Constable to the county of Bath, and for other purposes.

An act to amend the revenue laws.

An act for the benefit of Nancy Sears.

An act to legalize the proceedings of the Trustees of the town of Poplar Plains, in the county of Fleming.

An act for the divorce and change of name of Elizabeth Ware.

An act to legalize the elections of certain school districts in Caldwell county.

An act to change the place of voting in the Westport precinct, in Oldham county.

An act for the benefit of Samuel D. Hawke, and others.

An act for the benefit of Polly Coffer.

An act for the benefit of Lois Smallwood.

An act to establish an election precinct in the county of Morgan, and for other purposes.

An act to amend the several laws to suppress the practice of duelling.

An act for the benefit of the heirs of Jesse Rubel, deceased, and others.

An act for the benefit of the Methodist Episcopal Church, in the town of Newport.

An act to amend the act, entitled, an act to establish a State road from Napoleon, in Gallatin county, to intersect the Covington and Georgetown turnpike road, at or near Monticello school house, in Grant county.

An act to authorize the County Court of Henderson county to discontinue a street in the town of Henderson.

An act to authorize the Trustees of Princeton Seminary to rent out the property.

An act for the benefit of the Somerset Academy.

An act for the benefit of the Clerk of the Whitley Circuit Court.

An act for the benefit of Elizabeth Taylor.

An act for the benefit of Matthew Cook.

An act authorizing the County Courts of Wayne, Russell and Hickman, to appoint overseers of the poor without building poor houses.

An act for the benefit of Harry I. Bodley and James C. Rodes.

An act for the benefit of Mary Ann and Basil B. Mason.

An act to establish an election precinct in the town of Steamport, in the county of Henderson, and to change the place of voting in another.

An act to change the place of voting in the Big Hill precinct, in Madison county.

An act for the benefit of David Mathis.

An act for the benefit of Presley M. Hoskins.

An act to establish a road from some convenient point on the Green river turnpike road, to the Edmonson county line, in a direction to the Mammoth Cave.

An act for the benefit of Henry Payne.

An act for the benefit of the Trustees of the Methodist Episcopal Church, in Lexington.

An act to establish a road from the mouth of Laurel, through London, to Bates' Salt Well, in Clay county.

An act for the benefit of Henry Crawford, and others.

An act to amend an act, entitled, an act to regulate the election of Trustees for the town of Port Oliver, in Allen county.

An act changing the names of James Tapp and Jane Hays.

An act for the divorce of Susannah Barnett, and to change her name.

Approved January 18, 1842.

Mr. Kinkead, from the committee for Courts of Justice, who were appointed to prepare and bring in the same, reported a bill for the benefit of Joseph C. Stiles—which was read the first time, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Joseph C. Stiles be, and is hereby authorized, (upon the purchase thereof,) to introduce and import into the State of Kentucky from the State of Georgia, two negro men slaves, the husbands of his two women slaves, named Rose and Cloe, upon the conditions that he shall leave in the state of Georgia, and not introduce into the State of Kentukcy, any two of a number of slaves now owned by him in Georgia, and which, by law, he might import into Kentucky; and, also, take an oath before some Justice of the Peace, within thirty days after said slaves shall have been introduced, that he did not bring said slaves with the intention of selling them; and

shall have said oath recorded, within thirty days after taking the same, in the office of the Clerk of the county court of the county in which the oath is taken. And in case of his failing to comply with the conditions hereof, he shall be liable to all the penalties of an act, entitled, an act to amend the law prohibiting the importation of slaves, approved February 2, 1833.

Ordered, That said bill be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Mr. Fletcher moved to amend said bill by adding thereto the following section, viz:

Be it further enacted, That any person or persons, being citizens of this Commonwealth, and being the owner or owners of any slave or slaves in any other State, he, she, or they, shall have full power and authority to introduce and bring into this State, for their own use, any and all such slave or slaves.

Mr. Kinkead then moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. E. I. Bullock and Brien, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Drake,	Owsley,
Messrs. Barnett,	Flournoy,	Petree,
Basye,	Forman,	Prewitt,
Biggs,	Garnett,	Rouse,
Botts,	Gholson,	Skiles,
Bowman,	Gilliam,	Stone,
Brawner,	Graham,	Swope,
Browder,	Holbrook,	Taylor,
Buford,	Innes,	Thomasson,
Busby,	Ireland,	Thompson,
Carpenter,	Jefferson,	Triplett,
Chism,	Karrick,	Todd,
Chowning,	Kennedy, J.	Vance,
Chrisman, G. T.	Kennedy, W.	Vawter,
Coombs,	Kinkead,	Wakefield,
Conklin,	Kirtley,	Wand,
Cornish,	McKee,	Weir,
Cox,	Morgan,	Welch,
Cummins,	Morin,	Whaley,
Dixon,	Munday,	Wolfe—60.

Those who voted in the negative, were—

Messrs. Barbour,	Gaines,	Nuttall,
Bramlette,	Harrison,	Rumsey,
Brien,	Hays,	Smith, B.

Brown, T. D.	Johnson, D. B.	White, D.
Bullock, E. I.	Lewis,	White, J.
Carlisle,	Lykins,	Wickliffe, R.
Chrisman, M. T.	Marshall, W. N.	Wickliffe, R. L.
Clarke,	McCann,	Wortham,
Conway,	Martin,	Young—28.
Fletcher,		

The main question was then put—Shall the bill be engrossed and read a third time? and it was decided in the affirmative.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Mr. Nuttall then moved to amend said bill by adding thereto the following, by way of engrossed rider, viz:

SEC. 1. That hereafter, it shall and may be lawful for any person or persons, being bona fide citizens of this State, to import into this Stateany slave or slaves, whether the ownership of said slave or slaves be derived by purchase, will, descent, distribution, or gift: *Provided, however*, When the title to any such slave or slaves is derived by purchase, and imported as aforesaid, the person or persons so importing, shall, within sixty days after said importation, file in the Clerk's office of the county court in which he, she, or they, may reside, an affidavit, that said slave or slaves were not imported for the purpose of speculation or merchandise, but for the use of the said owner or importer.

SEC. 2. *Be it further enacted*, That any emigrant or emigrants, coming to this State, shall have the right to bring with them such person or persons as are deemed slaves by the laws of any of the United States, so long as any of the same age or description are deemed slaves by the laws of this State.

SEC. 3. *Be it further enacted*, That so much of an act, entitled, "An act to amend the law prohibiting the importation of slaves into this State, approved February 2, 1833;" and so much of "An act supplemental to" said act, approved February 18, 1841, as comes within the purview of this act, be, and the same is hereby repealed.

Mr. Vance then moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Browder and Buford, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Forman,	Petree,
Messrs. Barbour,	Garnett,	Prewitt,
Basye,	Gholson,	Rouse,
Biggs,	Gilliam,	Sanders,
Botts,	Graham,	Skiles,
Brawner,	Holbrook,	Stone,
Browder,	Innes,	Swope,

Buford,	Ireland,	Taylor,
Busby,	Jefferson,	Thomasson,
Carlisle,	Karrick,	Thompson,
Chism,	Kennedy, J.	Triplett,
Chowning,	Kennedy, W.	Todd,
Chrisman, G. T.	Kinkead,	Vance,
Conklin,	Kirtley,	Vawter,
Cornish,	McKee,	Wakefield,
Cox,	Martin,	Wand,
Cummins,	Morgan,	Welch,
Dixon,	Morin,	Whaley,
Drake,	Munday,	Wolfe—59.
Flournoy,	Owsley,	

Those who voted in the negative, were—

Messrs. Barnett,	Fletcher,	Rumsey,
Bramlette,	Gaines,	Smith, B.
Brien,	Harrison,	Weir,
Brown, T. D.	Hays,	White, D.
Bullock, E. I.	Johnson, D. B.	White, J.
Carpenter,	Lewis,	Wickliffe, R.
Chrisman, M. T.	Lykins,	Wickliffe, R. L.
Clarke,	Marshall, W. N.	Wortham,
Coombs,	McCann,	Young—29.
Conway,	Nuttall,	

The main question was then put—Shall the bill pass? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. T. D. Brown and R. Wickliffe, Jr., were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Flournoy,	Petree,
Messrs. Basye,	Forman,	Prewitt,
Biggs,	Garnett,	Rouse,
Botts,	Gholson,	Rumsey,
Bowman,	Gilliam,	Sanders,
Brawner,	Graham,	Skiles,
Browder,	Holbrook,	Swope,
Brown, J. S.	Karrick,	Taylor,
Buford,	Kennedy, J.	Thomasson,
Busby,	Kennedy, W.	Thompson,
Carlisle,	Kinkead,	Triplett,
Carpenter,	Kirtley,	Todd,
Chism,	Martin,	Vance,
Chowning,	Morgan,	Weir,
Conklin,	Morin,	Welch,
Cox,	Munday,	Whaley,
Dixon,	Owsley,	Wolfe—52.
Drake,		

Those who voted in the negative, were—

Messrs. Barbour,	Fletcher,	Nuttall,
Barnett,	Gaines,	Smith, B.
Bramlette,	Harrison,	Stone,
Brien,	Hays,	Vawter,
Brown, T. D.	Innes,	Wakefield,
Bullock, E. I.	Ireland,	Wand,
Chrisman, G. T.	Jefferson,	White, D.
Chrisman, M. T.	Johnson, D. B.	White, J.
Clarke,	Lewis,	Wickliffe, R.
Coombs,	Lykins,	Wickliffe, R. L.
Conway,	Marshall, W. N.	Wortham,
Cornish,	McCann,	Young—38.
Cummins,	McKee,	

Resolved, That the title thereof be as aforesaid.

The House then took up for consideration the amendment proposed by the Senate to the preamble and resolutions from this House in relation to the Bankrupt Law, and the law distributing the proceeds of the sales of the public lands.

The said amendment, (as a substitute,) was twice read, as follows, viz:

WHEREAS, sundry of the good citizens of this Commonwealth have petitioned this General Assembly to instruct the Senators and request the Representatives of Kentucky, in the Congress of the United States, to vote for the repeal of the Bankrupt Law, passed at the late extra session of said Congress; and this General Assembly is of opinion that a majority of the people of Kentucky do desire either an unconditional repeal of said law, or such a modification of its provisions as will free it from its retrospective operation: And, whereas, this General Assembly has the most indubitable evidence that a large majority of the people of this State, regard the act of Congress, passed at the same session, for the distribution of the proceeds of the sales of the public lands among the several States, as a measure not only of sound policy and strict justice to the States themselves, but as a measure of the highest importance to their credit and future prosperity; and that the people of Kentucky would look, with deep concern, on any attempt to repeal said last mentioned law, regarding it, as they do, as one of the wisest and most beneficient measures ever enacted by Congress—wherefore,

1st. *Resolved by the General Assembly of the Commonwealth of Kentucky*, That it is the desire of a majority of the people of Kentucky, that the Bankrupt Law, passed at the late extra session of Congress, shall be repealed, or so modified as to free it from its retrospective operations; and that our Senators and Representatives in Congress be requested to use their influence to obtain such repeal or modification.

2d. *Resolved*, That the people of Kentucky, as well as this General Assembly, regard the act of Congress, passed at its late extra session, providing for the distribution of the proceeds of the public lands among the several States, as founded in justice and sustained by every consideration of sound policy; and that they would look, with the deepest concern, upon any at-

tempt to obtain its repeal, and thus disappoint the just expectations of the American people.

3d. *Resolved, further*, That the people of this Commonwealth, as well as this General Assembly, regard the continuance in force of the Land Distribution Law, as of far greater importance than the repeal of the Bankrupt Law.

4th. *Resolved, further*, That the Governor be, and he is hereby requested, to forward a copy of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress.

And the question being taken on concurring in said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. R. Wickliffe, Jr., and T. D. Brown, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Buford,	Gilliam,	Kennedy, J.—5.
Coombs,	Hays,	

Those who voted in the negative, were—

Mr. Speaker,	Drake,	Paxton,
Messrs. Barbour,	Fletcher,	Petree,
Barnett,	Flournoy,	Rouse,
Basye,	Forman,	Rumsey,
Biggs,	Garnett,	Sanders,
Botts,	Gholson,	Skiles,
Bowman,	Graham,	Smith, B.
Bramlette,	Harrison,	Stone,
Brawner,	Holbrook,	Swope,
Brien,	Innes,	Thomasson,
Browder,	Ireland,	Thompson,
Brown, J. S.	Jefferson,	Triplett,
Brown, T. D.	Johnson, D. B.	Todd,
Bullock, E. I.	Karrick,	Vance,
Busby,	Kennedy, W.	Vawter,
Carlisle,	Kinkead,	Wakefield,
Carpenter,	Kirtley,	Wand,
Chism,	Lewis,	Weir,
Chowning,	Lykins,	Welch,
Chrisman, G. T.	Marshall, W. N.	Whaley,
Chrisman, M. T.	McCann,	White, D.
Clarke,	McKee,	White, J.
Conklin,	Martin,	Wickliffe, R.
Conway,	Morgan,	Wickliffe, R. L.
Cornish,	Morin,	Wolfe,
Cox,	Munday,	Wortham,
Cummins,	Nuttall,	Young—82.
Dixon,	Owsley,	

A message was received from the Governor, by Mr. Harlan, Secretary of State, which is in the following words, viz:

To the Senate and House of Representatives:

The Auditor of Public Accounts has reported to me, that he did, on the 15th instant, expose to public sale, in pursuance of law, the Lexington and Ohio Railroad, with all the estate, real, personal and mixed thereunto belonging, and the same was purchased by him, for and on behalf of the State, at the sum of $178,544 64 cents—that being the amount of its lien created by the act of February 2d, 1833.

As little or no profit can be realized from the road in its present condition, and as it is a property of immense value, and may be rendered highly productive to the State, as well as useful tot he public, if properly managed, permit me, respectfully, to recommend that early provision be made for its repair.

R. P. LETCHER.

January 19, 1842.

Ordered, That said message be referred to Messrs. R. Wickliffe, Jr., Todd and Buford.

A message was received from the Senate asking leave to withdraw their report announcing the passage of a bill from this House, entitled, an act for the benefit Coonrod Havens—with an amendment.

And their report announcing their disagreement to a bill from this House, entitled, an act for the benefit of the Sheriff of Clay county—which was granted, and the said bills withdrawn.

A bill from the Senate, entitled, an act concerning the revenue of 1842, was read the first time and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with, it was referred to the committee on Ways and Means.

Ordered, That the Public Printer forthwith print 150 copies of said bill for the use of the members of the General Assembly.

On motion of Mr. Thomasson,

Ordered, That the annual report of the President of the Bank of the Commonweath, be referred to the committee on the Sinking Fund.

And then the House adjourned.

THURSDAY, JANUARY 20, 1842.

A message was received from the Senate, announcing that they had passed a bill from this House, entitled, an act for the divorce and change of name of Fidelia Isbell.

And that they had passed a bill, entitled, an act for the benefit of Oscar Turner.

1. Mr. McKee presented the petition of L. B. Stoughton, praying compensation for the balance of his claim for work done on the bridge at Frankfort.

2. Mr. Triplett presented the remonstrance of sundry citizens of Daviess county, against the formation of a new county out of part thereof.

3. Mr. Kirtley presented the petition of J. B. Parsons, and Drewry D. Herold, praying compensation for losses sustained by them in their contract for grading a part of the Crab Orchard and Cumberland Gap turnpike roads.

Which petitions and remonstrance were severally received, the reading thereof dispensed with, and referred—the 1st to the committee for Courts of Justice; the 2d to the committee on Propositions and Grievances; and the 3d to the committee on Internal Improvement.

The Speaker laid before the House the report of the Commissioners who were appointed to superintend the additions to the offices of the Treasurer and Auditor.

Mr. Kinkead, from the committee for Courts of Justice, to whom was referred the petition of John Brockman—reported the same, with the following resolution, viz:

Resolved, That the said petition be rejected.

Which was concurred in.

Mr. E. I. Bullock, from the same committee, asked to be discharged from bringing in a bill for the benefit of Solomon Rhodes, former Sheriff of Muhlenburg county—which was granted.

Ordered, That the committee on Ways and Means prepare and bring in the same.

Mr. E. I. Bullock, from the same committee, to whom was referred bills from the Senate of the following titles, viz:

An act for the benefit of William B. Dunlap.

An act concerning bonds for costs by non-resident suitors and certain corporations.

Reported the same without amendment.

And the question being taken on reading said bills a third time, it was decided in the negative; and so the said bills were disagreed to.

Mr. E. I. Bullock, from the same committee, to whom was referred a bill from the Senate, entitled, an act for the benefit of Wilson M. Taylor's heirs, reported the same, with an amendment—which was concurred in.

Ordered, That said bill, as amended, be read a third time.

Mr. McKee, from the same committee, to whom was referred a bill from the Senate, entitled, an act for the benefit of the Clerks of the Washington and Marion circuit courts—reported the same without amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That the same do pass, and that the title thereof be as aforesaid.

Mr. McKee, from the same committee, to whom was referred the amendment proposed by the Senate to a bill from this House, entitled, an act declaring copies of foreign wills recorded in the county conrts of this State, evidence—reported the same without amendment.

The said amendment proposed by the Senate was then twice read and concurred in.

Mr. McKee, from the same committee, to whom was referred the petition of Joel Williams—reported the same, with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. McKee, from the same committee, asked leave to be discharged from bringing in a bill for the benefit of the Sheriff of Christian county—which was granted.

Ordered, That the committee on Ways and Means prepare and bring in the same.

Mr. Browder, from the committee on Religion, to whom was referred bills from the Senate of the following titles, viz:

An act for the benefit of William Bradley.

An act for the benefit of Louisa J. Reece.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Browder, from the same committee, to whom was referred the petition of Ann Creighton; the petition of Elizabeth King; the petition of Elizabeth Gray; the petition of Cader and Elizabeth Harold; the petition of E. M. Carr; the petition of William Alley; the petition of Polly Trotter; and

the petition of Nancey Griffith, each praying for a divorce—reported the same, with the following resolution, viz:

Resolved, That said petitions be rejected.

Which was concurred in.

On motion of Mr. Wolfe, leave was given to withdraw the petition of Ann Creighton—which was granted, and the petition withdrawn.

Mr. Browder, from the same committee, asked leave to be discharged from bringing in a bill for the benefit of Rebecca Daviess, of Casey county—which wes granted.

Mr. Browder, from the same commmittee, to whom was referred the memorial of sundry citizens of Nelson county, praying a repeal of the license law—reported the same, with the following resolution, viz:

Resolved, That it is inexpedient to legislate on that subject.

Which was concurred in.

Mr. Vance, from the committee on Ways and Means, to whom was referred a bill for the benefit of the Sheriff of Owen county—reported the same without amendment.

The said bill was then amended.

Ordered, That said bill, as amended, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. Vance and Buford, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Botts,	Fletcher,	Petree,
Bowman,	Forman,	Rouse,
Bramlette,	Gaines,	Sanders,
Brawner,	Garnett,	Skiles,
Brien,	Gilliam,	Smith, B.
Brown, J. S.	Harrison,	Stone,
Brown, T. D.	Hays,	Swope,
Buford,	Innes,	Taylor,
Bullock, E. I.	Karrick,	Thompson,
Busby,	Kennedy, W.	Vawter,
Carlisle,	Lewis,	Wakefield,
Carpenter,	Lykins,	Wand,
Chism,	Marshall, W. C.	Welch,
Chowning,	McCann,	Whaley,
Coombs,	Martin,	White, D.
Conklin,	Morgan,	White, J.
Conway,	Morin,	Wickliffe, R. L.
Cornish,	Munday,	Wolfe,
Dixon,	Paxton,	Young—58.
Drake,		

Those who voted in the negative, were—

Mr. Speaker,	Flournoy,	McKee,
Messrs. Barbour,	Gholson,	Owsley,
Barnett,	Graham,	Prewitt,
Browder,	Holbrook,	Rumsey,
Chambers,	Ireland,	Thomasson,
Chrisman, G. T.	Jefferson,	Todd,
Chrisman, M. T.	Kennedy, J.	Vance,
Clarke,	Kirtley,	Weir,
Cox,	Marshall, W. N.	Wickliffe, R.—28.
Cummins,		

Resolved, That the title of said bill be amended to read as follows: "An act for the benefit of the Sheriff of Owen and Casey counties."

Mr. Vance, from the same committee, asked to be discharged from bringing in a bill for the benefit of John Tilford—which was granted.

Ordered, That the committee for Courts of Justice prepare and bring in the same.

Mr. Triplett, from the committee on Enrollments, reported that the committee had examined sundry enrolled bills and resolutions which originated in the Senate of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of Susannah Watts.

An act for the benefit of Charles P. Howard and others.

An act to change the place of voting in the Green Spring precinct, in Green county.

An act to extend the terms of the Nicholas circuit court, and to change the May and November terms of the Estill circuit court.

An act to amend the law concerning injuries to real estate.

An act to amend the charter of the city of Maysville.

A resolution to place a tomb over the grave of John Adair, late Governor of Kentucky.

A resolution fixing a day for the election of public officers.

And enrolled bills which originated in this House of the following titles, viz:

An act to amend the charter of the Louisville and Portland canal company.

An act for the benefit of John Carlisle, late Sheriff of Campbell county.

An act for the benefit of Edward W. Dowden.

An act for the benefit of the Sheriff of Green county.

An act for the benefit of Thomas Y. Johnson.

An act for the benefit of the Second Presbyterian Church in Louisville.

An act for the benefit of William W. Bell.

An act for the benefit of the Lexington Grenadiers.

An act allowing a special chancery term in the county of Campbell.

An act for the appointment of Commonwealths' Attorneys.

An act to regulate the terms of the Bath circuit court.

An act declaring the office of Constable and county Surveyor, incompatible, and for other purposes.

An act for the divorce and change of name of Laura Maria Haydon.

An act for the divorce of William M. Miller.

An act for the divorce of Lucinda Clore.

An act to change in part the State road in Carroll county.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Triplett inform the Senate thereof.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee for Courts of Justice—1. A bill more effectually to prevent slaves from carrying arms.

By same—2. A bill for the benefit of Alexander Burnam.

By the committee on Religion—3. A bill to legalize the marriage of Elisha Breeding and Belinda Stamper, and for other purposes.

By same—4. A bill for the divorce of Aaron Allison.

By same—5. A bill for the divorce of Mary Jane Owen.

By same—6. A bill for the divorce of Willis Isbell.

By the committee on Internal Improvement—7. A bill to amend an act, entitled, an act authorizing the several county courts of this Commonwealth to permit gates to be erected on certain roads.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of said bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Skiles, from the committee on Internal Improvement, asked to be discharged from bringing in a bill to regulate the rates of tolls on the Frankfort and Crab Orchard turnpike road; and after some discussion had thereon, the hour of 12 o'clock arrived, when the House proceeded to the orders of the day.

The amendment proposed by the Senate to a bill from this House, entitled, an act for the benefit of Jane Myers—was twice read and concurred in.

Bills from the Senate of the following titles, viz:

An act for the benefit of Sylvania Floyd.

An act to amend the law concerning the probate of wills.

An act confirming the title of Juliet Henry in a lot of ground in the town of Bowlinggreen, deeded to her by the Trustees of the Methodist Episcopal Church.

Were read a third time.

Resolved, That said bills do pass and that the titles thereof be as aforesaid.

Bills from the Senate of the following titles, viz:

1. An act for the benefit of Louisa Warder.

2. An act to change the terms of the Jefferson circuit courts, and for other purposes.

3. An act further to regulate proceedings in civil actions.

4. An act for the benefit of Oscar Turner.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st and 4th were ordered to be read a third time; the 2d was referred to Messrs. Thomasson, W. F. Bullock, J. Speed Smith and R. L. Wickliffe; and the 3d to the committee for Courts of Justice.

The rule of the House, constitutional provision and third reading of the 1st and 4th bills having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the Senate, announcing that they insist on their amendment to the preamble and resolutions in relation to the Bankrupt Law, and the law distributing the proceeds of the sales of the public lands.

The Speaker laid before the House a communication from the First Auditor, which is in the following words, viz:

STATE OF KENTUCKY,
Auditor's Office, January 20, 1842.

SIR:

Upon a careful examination of my printed Report, I find several inaccuracies which should be corrected. I therefore call your attention, and the attention of the House over which you have the honor to preside, to the following errors. These accidental occurrencies, the most of them, took place in comparing the report, as made in manuscript, with the proof sheet, and entirely overlooked.

On page 3, item, Nov. 26, sold 6 year bonds by R. P. Letcher, Governor, to S. Stout, Treasurer Green and Barren River Commissioners Navigation, $1,500, which should have been printed $15,000; the addition in the column is correct as printed in the report.

On page 6, item, January 8, 1841, of Thos. E. West, President Danville, Lancaster and Nicholasville road, to 1st January 1841, dividend, $533 76. This amount should have been printed in the report $633 76; the addition in the column is correctly printed.

On page 20, warrant No. 359, to John Hulme, for hydraulic lime, amounting to $1,200, issued Dec. 18, 1840, on requisition Dec. 18, 1840, has been by

me entirely omitted in the body of my report; but it appears in the table at the end of said report.

On page 39, warrant No. 266, to James Newton, for and on account of an appropriation made by the Legisluture, approved Feb. 18, 1841, for damage done said Newton's mill, $750 was previously charged in July, page 37, and therefore improperly reported on page 39; same warrant reported twice in table of warrants, which will leave the warrants unpaid $2,900.

On page 38, the amount 30 year bonds sold for the Kentucky River Navigation, is not printed as stated by Auditor, owing to his manuscript being defaced by a blot; it being printed $16,205 50, instead of $14,205 50, which $14,205 50 is correctly printed in table at the end of report.

On page 46, items, in May, $19 44 which is printed, ought to have been $19 54, and in June, as printed, $30 66, ought to have been $30 62; these corrections will make the addition as it now stands on printed report, which is correct.

The foregoing errors do not change the final result, as will appear by reference to the table of receipts and expenditures; but inasmuch as they do exist, I have thought proper to give the proper explanations.

I am, very respectfully, yours, &c.,

BEN. SELBY,
Aud. Pub. Accounts.

To the Hon. C. S. MOREHEAD,
Speaker of the House of Representatives.

The House again resumed the consideration of the bill to regulate the salaries of certain officers of this Commonwealth, and to increase the resources of the Sinking Fund; and after some discussion had thereon,

The House adjourned.

FRIDAY, JANUARY 21, 1842.

A message was received from the Senate, announcing their concurrence in the amendment proposed by this House to a bill from the Senate, entitled, an act for the recording of Commissioners' deeds in the county court clerks' offices.

And that they had passed a bill from this House, entitled, an act to dissolve the marriage contract between Cynthia Wester and Samuel Wester, and to change the name of said Cynthia.

And that they had passed a bill, entitled, an act to incorporate the Trustees of Clay Village Seminary.

1. Mr. W. F. Bullock presented the petition of John Hulme, praying the passage of a law to provide for the payment of money advanced by him for the benefit of the State.

2. Mr. Sanders presented the petition of Rezin Jackson, praying to be diced from his wife, Mary Jackson.

3. Mr. Thomasson presented the petition of W. and A. Cooper, praying that the sum of fifty dollars, paid by them for a pedlar's license, be refunded.

4. Mr. R. Wickliffe presented the petition of Catharine Cotton and others, devisees of Robert Cotton, dec'd, praying the passage of a law authorizing a sale of a tract of land, devised to them by the will of said deceased.

5. Mr. Thompson presented the petition of Cæsar Watts, a man of colour, praying a change of venue in a prosecution now pending against him in the Bullitt circuit court, for murder.

6. Mr. Conklin presented the memorial of sundry citizens of Grayson county, praying an amendment to the laws in relation to licensing retailers of spiritous liquors.

Which petitions and memorial were severally received, the reading thereof dispensed with, and referred—the 1st to the committee on Internal Improvement; the 2d and 6th to the committee on Religion; the 3d to the committee on Claims; the 4th and 5th to the committee for Courts of Justice.

Mr. Vance moved the following resolution, viz:

Resolved, that the Board of Internal Improvement furnish this House, as soon as practicable, with a copy of the late report made by M. R. Stealey to the principal Engineer.

Which being twice read was adopted.

The House again resumed the consideration of the report of the committee on Internal Improvement, asking leave to be discharged from bringing in a bill to regulate the rate of tolls on the Franklin and Crab Orchard turnpike road.

And the question being taken thereon, it was decided in the affirmative.

Ordered, That the committee for Courts of Justice prepare and bring in the same.

Mr. Skiles, from the committee on Internal Improvement, to whom was referred a bill to repeal the 4th section of an act, entitled, an act to provide for the improvement of the road from Franklin county to the Crab Orchard, in Lincoln county—reported the same without amendment.

Ordered, That said bill be referred to the committee for Courts of Justice.

Mr. Skiles, from the same committee, to whom was referred the memorial of the stockholders of the Lexington and Georgetown turnpike road company—reported the same, with the following resolution thereon, viz:

Resolved, That said petition be rejected.

Mr. R. Wickliffe, Jr., moved to amend said resolution, by striking out the words "be rejected," and inserting "is reasonable."

And the question being taken thereon, it was decided in the negative.

A message was received from the Governor by Mr. Harlan, Secretary of State, which is in the following words, viz:

Gentlemen of the Senate and
House of Representatives:

You were apprized, by my message at the opening of your session, that counsel had been employed to prosecute any suit or suits which he deemed necessary, against the Schuylkill Bank of Philadelphia, to secure the Sinking Fund and Board of Education against all loss growing out of the fraud perpetrated by that institution upon the Bank of Kentucky. I am now advised that, under the laws of Pennsylvania, some difficulties may exist in prosecuting actions against the Bank of Schuylkill, so as to elicit all the important facts connected with that transaction; and, at the same time, to prevent her from misapplying or secreting her effects. I therefore respectfully recommend, that immediate application be made to the Legislature of Pennsylvania, by memorial or otherwise, to authorize the Bank of Kentucky to maintain a suit in chancery against the Schuylkill Bank, for the equal benefit of all the holders of the forged certificates sold by that Bank.

R. P. LETCHER.

January 21, 1842.

Ordered, That said message be referred to the committee for Courts of Justice.

Mr. Skiles, from the committee on Internal Improvement, made the following report, viz:

The Committee of Internal Improvement, to whom was referred so much of the Governor's message as relates to the public works of the Commonwealth, have had the same under consideration, and beg leave to make the following report:

In giving that attention to the subject which the present condition of the Commonwealth requires, and to enable them to lay their own views in relation to the system of internal improvement satisfactorily before the house, the committee have thought it necessary to take a hasty review of its beginning and progress.

The system, as it is called, began with the act of 1834-5. The previous appropriations having been confined to a few local objects, among which Green river and the Maysville road were the most prominent.

Its basis was the whole territory of Kentucky, and its design to extend the benefit of improvement to every portion, and to make its action as uniform as the face and resources of the country would permit.

Its progress was to be gradual, and confined in each successive year to specific objects, and within an expenditure of such limits as were warranted by the soundest discretion, and calculated to give confidence at home and ensure unwavering credit abroad.

Its means of construction were to be derived from the sale of State bonds, running upon such time as to allow the most valuable works to be completed and brought into successful operation, and to yield a revenue before the debt should fall due.

To insure the sale and sustain the value of the scrip to be thus issued, a Sinking Fund was established. By this it was designed, not only to provide the means to pay the interest on the public debt, but its capability of meeting this accruing interest, was to be the unerring index to the amount of each subsequent annual appropriation.

At the time the system was adopted, the bonds of all the States were in high credit, and were sought after by the foreign capitalist, who could realize a higher interest by this investment than his money was worth at home. The great popularity of these securities, held out strong inducements to the States to borrow money for purposes of banking as well as improvement, and the low rate of interest which the bonds bore, compared with the value of money here, offered other powerful inducements.

With the increased demand for money, the value increased, and 5 per cent. scrip, which at first commanded a premium, began to be heavy in market at par, and the rate of interest had soon to be raised to 6 per cent. to insure a sale.

Systems of improvement, widely diffused over nearly all the States, not only threatened to dry up the great sources from whence these supplies of money were at first obtained, but from their vast extent, began to produce distrust in the ability of the States to pay.

This panic was followed by convulsions in the monetary affairs of the whole world, in the midst of which we are now laboring, and the wavering honor of some of the States and the utter inability of others to meet, for the present, the interest on their bonds, have struck a blow fatal to State credit; and the best scrip it is now believed will not bring eighty per cent.

These disastrous times have overtaken us like our neighbors, in the midst of unfinished lines of public works.

After the system became established, the appropriations of money became, to a certain extent, a matter of scramble, and some works, if not totally inexpedient, at least premature, became part of the system. Add to this the deviation, perhaps unavoidable but most unfortunate, from the original design of progressing gradually, and you have the causes of the most serious difficulties which now surround us.

Had we only our most important works in progress at this juncture, the resources of the State would be sufficient to progress with all. But we regret to say that this is not the case; and like the adjoining States, our resources are cut off before any of our works are finished; and we have so many on hand that to attempt to prosecute them all to a speedy completion is preposterous, and to suspend them is to subject them to injury and rapid decay.

The loss of the interest on the money already invested, as well as the inutility of those which are partially finished, are evils of no slight magnitude.

These reflections, however unpleasant, are attended by others of a character highly encouraging. Our public debt is such as may be liquidated without resort to oppressive taxation, should the tolls of our works furnish no portion of the means. That many of them, if judiciously managed, will be profitable, your committee cannot doubt.

If our revenue laws were strictly and equally enforced, and we could again realize the dividends on the stock in the Bank of Kentucky, our Sink-

ing Fund, without the aid of the distribution bill, or jeopardizing the interests of Education, would be amply strong to pay off our State debt.

Although our course has not been marked with entire wisdom, there are few States in this Union, with whose condition our own may not be compared with advantage, and the credit of Kentucky abroad, and the value of her scrip in market, bear proud testimony to her character for prudence and integrity.

We have reason to rejoice, that in past times of intoxicating prosperity, we have avoided all those stupendous schemes which have characterized the age.

We are also consoled by the reflection that we will yet, by gradual steps, be able to finish all our lines of work and fulfil the just expectations of every portion of the Commonwealth. But it is obvious that this desirable end cannot be attained by means raised from the sale of State bonds until they shall rise in value. To pay our debts with means raised by the sale of bonds in the absence of other resources, is an act of justice at which we cannot falter.

It may in some cases be the interest of the Commonwealth to raise means by their sale to finish certain works rather than suspend them. But to offer them for sale at their present depreciation for any other purpose than to discharge a debt actually due, or to protect or finish such works as cannot be suspended, would, in the opinion of your committee, be ruinous.

In conclusion, it is earnestly and respectfully recommended by your committee, to reduce the expenses of the Board of Internal Improvement and of the corps of Engineers to the smallest possible limit, consistent with the efficient management of the public works: to make provision for the payment of the debts due to contractors, and for the completion of such works as are nearly finished, or their security, and to suspend for the present, all which can be prudently suspended, limiting in every legitimate way, the expenditures of money for the year 1842.

JAMES R. SKILES, *Ch'n.*
W. F. BULLOCK,
RICHARD GARNETT,
BERRY SMITH,
E. B. OWSLEY,
THOS. J. BUFORD,
GAB'L. E. COX,
T. P. YOUNG,
SAM'L. F. SWOPE,
ROBERT M. CARLISLE,
DOUGHERTY WHITE,
W. CONWAY.

Ordered, That the Public Printer forthwith print 500 copies of said report for the use of the members of this House.

Mr. Skiles, from the same committee, reported a bill to amend the law establishing the Board of Internal Improvement—which was read the first time, and ordered to be read a second time.

Ordered, That the Public Printer forthwith print 150 copies of said bill for the use of the members of the General Assembly.

Mr. Cornish, from the committee on Military Affairs, to whom was referred bills from the Senate of the following titles, viz:

An act for the benefit of Edmund O. Hawkins.

An act for the benefit of Pouncy Nuckols and others.

An act for the benefit of William McCleland and others.

An act for the benefit of William M. Poyntz, and for other purposes.

An act for the benefit of M. C. Anderson, John Messick, Charles P. Howard and D. P. Keatly.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. J. Kennedy, from the committee on Agriculture and Manufactures, to whom was referred the preamble and resolutions from the Senate in relation to water-rotted hemp, reported the same with an amendment—which was concurred in.

The said preamble and resolutions, as amended, were then twice read and adopted.

Mr. Dixon, from the committee on the Sinking Fund, made the following report, viz:

The committee on the Sinking Fund, to whom was referred a resolution authorizing the application of the portion of Kentucky of the proceeds of the sales of the Public Lands, under the late act of Congress, approved September 4, 1841, and entitled, "an act to appropriate the sales of the proceeds of the Public Lands, and to grant pre-emption rights," to the payment of the State's debt for Internal Improvements, have had the same under consideration, and have prepared a bill, which they beg leave to report, accompanied with some of the reasons which induced them to recommend it to the favorable consideration of the House. Upon examination, your committee find, that the debt which the State of Kentucky now owes for Internal Improvements, exclusive of the bonds executed to the Board of Education, and to the Sinking Fund Commissioners, is, according to the latest estimates, $3,401,500—of this sum, $609,500 are in bonds payable six years after date, and the residue, with the exception of $40,000 borrowed of the Banks, is due in bonds, varying in their time of payment, from twenty to thirty five years from their date. On $515,000 of this sum the State is paying an annual interest of five per cent., and six per cent. on the sum of $2,886,500. The whole amount of annual interest, exclusive of exchange, which the State is paying on these sums, is $198,940; to meet which, the resources of the Sinking Fund, including the revenue collected under the act approved February 17, 1841, and, entitled, "an act to increase the resources of the Sinking Fund, and for other purposes," are amply sufficient. The fact being settled, that the money in question is not necessary to enable the State to pay the interest on her Internal Improvement

debt, your committee have been anxious to recommend its application to the object that would be productive of the greatest possible good to the whole of the people of the State. They are aware that some gentlemen, whose opinions are entitled to much respect, differ with them in the view which they have taken in regard to the disposition of this important fund, and have suggested other modes of investment—such as loaning it at an interest of ten per cent., making it the basis of a new Bank, or applying it to purposes of education. To loaning it out your committee are of the opinion there is an insuperable objection, growing out of the danger and risk of never getting it back again; nor would the risk of losing it be diminished by placing it in a new Bank, which, if established, in times like these, of general distrust, embarrassment and want of confidence, would scarcely live out the time employed in its creation. Without multiplying reasons, your committee, after a careful examination of all of these modes of investment, are satisfied that the plan recommended by them is the very best that can be devised, and would, if adopted, give more general satisfaction to the people, and do more to raise and sustain the credit of the State, and extricate her from her embarrassments than any other investment that could possibly be made of it. Taking the annual share of Kentucky in the proceeds of the sales of the Public Lands to be $140,000, it would, if applied to the payment of the State's debt for Internal Improvements, discharge the whole of the six year bonds in a little more than four years, and in twenty years would discharge the balance of the debt. And when it is considered that a third of the taxes now collected of the people of Kentucky is to pay the accruing annual interest on this debt, and that as the debt is diminished the necessity for continuing in force the law passed at the last session of the Legislature, increasing the taxes, will be lessened, and finally no longer exist; and that without providing other means of payment the debt itself will ultimately have to be paid out of funds raised by additional taxation, your committee cannot but think that the expediency and sound policy of the measure proposed by them must be obvious to every reflecting and dispassionate mind. Add to all this the deep anxiety which is felt by the people in every part of the State to see provided some sure and certain means of paying the public debt—to place beyond the reach of accident or contingency the preservation of the public faith, and to see the State finally relieved from pecuniary embarrassment, and the arguments in favor of the proposed investment acquire a force not to be resisted. Differing as the people did as to the policy of contracting a public debt to support a system of Internal Improvement, which many of them believed to be impolitic and unwise, they nevertheless feel that the debt was legally incurred, and imposes alike on all the citizens of the State, a high moral obligation to contribute to its discharge. This is an obligation which the people of Kentucky—whatever may have been the course pursued by some of the States of the Union in repudiating their just debts, and violating their most solemn promises—will never disregard.

ARCHIBALD DIXON, *Chairman.*

Ordered, That the Public Printer forthwith print 150 copies of said report for the use of the members of the General Assembly.

Mr. Dixon, from the same committee, reported a bill to appropriate the sales of the public lands to the payment of the State's debt for Internal Im-

provement—which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Mr. W. F. Bullock moved an amendment to said bill.

Ordered, That the Public Printer forthwith print 150 copies of said bill and amendment for the use of the members of the General Assembly.

Mr. W. F. Bullock, from the select committee, to whom was referred a bill from the Senate, entitled, an act to change the terms of the Jefferson circuit court, and for other purposes—reported the same without amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Thomasson, from the committee on Propositions and Grievances, to whom was referred the petition of Jacob Carpenter, and the petition of Jonathan Taylor—reported the same, with the following resolution, viz:

Resolved, That the said petition be rejected.

Which was concurred in.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By the committee on Military Affairs—A bill for the relief of Edward Rumsey, adm'r of Richard Elliott, dec'd.

By the committee on the Penitentiary—A bill for the benefit of the officers and guards of the Penitentiary.

By the committee on Propositions and Grievances—A bill for the benefit of the county court of Wayne.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The Speaker laid before the House the annual report of the Commissioners of the Sinking Fund.

[*For the Report—see Legislative Documents.*]

Ordered, That the same be referred to the committee on the Sinking Fund; and that the Public Printer forthwith print 150 copies of said report for the use of the members of the General Assembly.

Mr. Thomasson, from the committee on Proposition and Grievances, to

whom was referred the petition of sundry citizens of Mercer and Lincoln counties, praying for the formation of a new county—reported the same, with the following resolution, viz:

Resolved, That the said petition be rejected.

Mr. Vance moved to amend said resolution by striking out the words "be rejected," and inserting "is reasonable."

And after some discussion had thereon,

The House adjourned.

SATURDAY, JANUARY 22, 1842.

A message was received from the Senate announcing their concurrence in the amendments proposed by this House to bills from the Senate of the following titles, viz:

An act confirming the title of Juliet Henry in a lot of ground in the town of Bowlinggreen, deeded to her by the Trustees of the Methodist Episcopal Church.

An act for the benefit of Sylvania Floyd.

And they had passed a bill from this House, entitled, an act for the divorce of Jerusha Foster.

That they had received official information from the Governor that he had approved and signed enrolled bills and resolutions which originated in the Senate, of the following titles, viz:

An act to amend the charter of the city of Maysville.

An act to amend the law concerning injuries to real estate.

An act to extend the terms of the Nicholas circuit court, and to change the May and November terms of the Estill circuit court.

An act for the benefit of Susannah Watts.

An act for the benefit of Charles P. Howard and others.

An act to change the place of voting in the Green Spring precinct, in Green county. Approved January 20, 1842.

A resolution fixing a day for the election of public officers.

A resolution to place a tomb over the grave of John Adair, late Governor of Kentucky. Approved January 20, 1842.

1. Mr. Fletcher presented the petition of sundry citizens of McCracken county, praying the establishment of a new county out of parts of said county and the county of Hickman.

2. Mr. Chism presented the petition of William Steen, praying to be divorced from his wife, Eleanor Steen.

3. Mr. W. C. Marshall presented the petition of Nancy Moore, widow of Benjamin Moore, dec'd, praying the passage of a law authorizing a sale of a tract of land, belonging to the estate of said deceased.

4. Mr. Clarke presented the petition of the Trustees of the Simpson Seminary, praying the passage of a law legalizing the sale of said Seminary.

5. Mr. J. Speed Smith presented the petition of Paulina G. Rodes and her children, praying the passage of a law authorizing a sale of certain lands, held in trust for their use.

6. Mr. D. White presented the petition of sundry citizens of Perry and Harlan counties, praying the passage of a law establishing a new county out of parts of said counties.

7. Mr. Morgan presented the remonstrance of William C. Moore, against the granting of a change of venue to Cæsar Watts, (a man of colour.)

8. Mr. Fible presented the petition of sundry citizens of the town of Westport, praying the passage of a law curtailing the boundary of said town.

9. Mr. Chambers presented the petition of the administrator and heirs of Tabitha Gooch, dec'd, praying the passage of a law authorizing a sale of certain lands, belonging to the estate of said deceased.

10. Mr. Chambers presented the petition of Pamelia Bowling, praying to be divorced from her hushand, William Bowling.

11. Mr. Chism presented the memorial of John Black, praying the establishment of a town on his lands, on Cumberland river

12. Mr. T. D. Brown presented the petition of sundry citizens of the town of Claysville, in Hardin county, praying the passage of a law changing the Constable's district including said town.

13. Mr. Thompson presented the petition of Robert Lee, and others, in his behalf, praying the passage of a law permitting him to erect a fish dam across the Rolling Fork of Salt river.

14. Mr. Cummins presented the petition of James G. Hardy, praytng to be released from a bond given by him to the State, for the return of certain public arms.

Which petitions, remonstrance and memorial were severally received, the reading thereof dispensed with, and referred—the 1st, 4th, 6th, 8th and 11th to the committee on Propositions and Grievances; the 2d and 10th to the committee on Religion; the 3d, 5th, 7th and 9th to the committee for Courts of Justice; the 12th to Messrs. T. D. Brown, Conway and Conklin; the 13th to the committee on Internal Improvement; and the 14th to the committee on Military Affairs.

On motion of Mr. Wortham, leave was given to withdraw the petition of Joel Williams—and the same was withdrawn.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had approved and signed enrolled bills which originated in this House, of the following titles, viz:

An act for the benefit of Thomas Y. Johnson.

An act for the benefit of the Second Presbyterian Church in Louisville.

An act authorizing a special chancery term in the county of Campbell.

An act for the appointment of Commonwealths' Attorneys.

An act for the benefit of William W. Bell.

An act for the benefit of the Lexington Grenadiers.

An act declaring the office of Constable and county Surveyor, incompatible, and for other purposes.

An act to regulate the terms of the Bath circuit court.

An act for the benefit of Edward W. Dowden.

An act for the benefit of the Sheriff of Green county.

An act for the benefit of John Carlisle, late Sheriff of Campbell county.

An act to change in part the State road in Carroll county.

An act for the divorce of Lucinda Clore.

An act for the divorce of William M. Miller.

An act for the divorce and change of name of Laura Maria Haydon.

An act to amend the charter of the Louisville and Portland canal company.

Approved January 21, 1842.

A message was received from the Governor, by Mr. Harlan, Secretary of State, which is in the following words, viz:

To the Senate and House of Representatives:

Agreeably to the request of the Governor of Alabama, I transmit to the General Assembly, joint resolutions of the Legislature of that State in favor of the admission of the Republic of Texas into the Union.

R. P. LETCHER.

January 22, 1842.

EXECUTIVE DEPARTMENT,
Tuskaloosa, January 1842.

I have the honor to forward to you the annexed resolutions, passed unanimously by the General Assembly of the State of Alabama at the late session.

Very respectfully,

BEN. FITZPATRICK.

To His EXCELLENCY, the Governor of Kentucky.

Joint resolutions in relation to the admission of Texas into the Union.

Resolved unanimously by the Senate and House of Representatives of the State of Alabama in General Assembly convened, First: That with the

rising prospects of the *new and noble Republic of Texas*, the reasons why we should not forbid, but rather seek earnestly her admission into our Union, constantly and rapidly accumulate, "*their people are our people*," and we believe them the bold, fearless friends of liberty; their admission cannot weaken, but will add strength, wealth and power to the Union. Second,

Resolved unanimously, That it is hereby made known to Texas and to the *world*, that we, as the representatives of the people of Alabama, are decidedly in favor of the admission of the *Republic* of *Texas* in the *Union*, with equal rights and upon equal footing with the *sovereign States* of the United States of America. Third,

Resolved unanimously, That the Governor of Alabama, the President of the Senate, and the Speaker of the House of Representatives, in behalf of their respective Houses, be requested to subscribe these resolutions, either before, or immediately after the adjournment of this General Assembly; that His Excellency the Governor, be requested to forward a copy to the Governor of each of the States and Territories of the Union, requesting them to present them to the Legislatures of their respective States or Territories; a copy to the President of Texas, and also a copy to each of our Senators and Representatives in Congress, requesting them to urge the passage of all such laws, resolutions, or treaties, as may conduce to the desirable object of the annexation of the Republic of Texas to the United States of America.

NATH'L TERRY,
President of the Senate.
DAVID MOORE,
Speaker of the House of Representatives.

Approved, January 1, 1842.
BEN. FITZPATRICK.

A true copy. Attest,
WM. GARRETT, *Secretary of State.*

Mr. W. Kennedy, from the committee on Enrollments, reported that the committee had examined sundry enrolled bills which originated in the Senate, of the following titles, and had found the same truly enrolled, viz:

An act to change the terms of the Jefferson Circuit Court, and for other purposes.

An act confirming the title of Juliet Henry in a lot of ground in the town of Bowlinggreen, deeded to her by the Trustees of the Methodist Episcopal Church.

An act for the recording of commissioners' deeds in the County Court Clerks' offices.

An act for the benefit of Sylvania Floyd.

An act for the benefit of the Clerks of the Washington and Marion Circuit Courts.

An act for the benefit of William Bradley.

An act for the benefit of Louisa J. Reece.

An act for the benefit of Louisa Warder.

An act for the benefit of Oscar Turner.

An act for the benefit of William M. Poyntz, and for other purposes.

An act for the benefit of Edmund O. Hawkins.

An act for the benefit of Pouncy Nuckols, and others.

An act for the benefit of M. C. Anderson, John Messick, Charles P. Howard and D. P. Keatley.

An act for the benefit of William McCleland, and others.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Kennedy inform the Senate thereof.

The House again resumed the consideration of the resolution rejecting the petition of sundry citizens of Mercer and Lincoln counties, praying for the establishment of a new county out of parts of said counties, and the amendment proposed thereto by Mr. Vance.

Mr. W. F. Bullock moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the affirmative.

The main question was then taken—Shall the resolution be concurred in? and it was decided in the negative.

The yeas and nays being required thereon by Messrs. McKee and R. Wickliffe, Jr., were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Flournoy,	Petree,
Messrs. Barnett,	Gaines,	Sanders,
Basye,	Garnett,	Swope,
Bowman,	Graham,	Taylor,
Browder,	Jefferson,	Thomasson,
Brown, J. S.	Kennedy, J.	Thompson,
Carlisle,	Kennedy, W.	Triplett,
Chism,	Lykins,	Welch,
Clarke,	Marshall, W. N.	White, D.
Coombs,	McKee,	White, J.
Conway,	Martin,	Wickliffe, R.
Cornish,	Owsley,	Wickliffe, R. L.
Cox,	Paxton,	Young—39.

Those who voted in the negative, were—

Messrs. Barbour,	Drake,	Noe,
Botts,	Fible,	Prewitt,
Bramlette,	Fletcher,	Rouse,
Brawner,	Forman,	Rumsey,
Brien,	Gholson,	Skiles,
Brown, T. D.	Gilliam,	Smith, B.
Buford,	Harrison,	Smith, J. Speed
Bullock, E. I.	Hays,	Stone,

Bullock, W. F.	Holbrook,	Todd,
Busby,	Ireland,	Vance,
Carpenter,	Johnson, D. B.	Vawter,
Chambers,	Karrick,	Wakefield,
Chrisman, G. T.	Kinkead,	Wand,
Chrisman, M. T.	Lewis,	Weir,
Conklin,	Marshall, W. C.	Whaley,
Craddock,	Morgan,	Wolfe,
Cummins,	Morin,	Wortham—53.
Dixon,	Munday,	

On motion of Mr. J. Speed Smith,

Ordered, That the petition be re-committed to the committee on Propositions and Grievances, with instructions to report a bill in accordance with the prayer of said petition.

A message was received from the Senate, announcing that they had adopted a resolution postponing the election of public officers.

The said resolution was then twice read and concurred in.

And then the House adjourned.

MONDAY, JANUARY 24, 1842.

A message was received from the Senate announcing their concurrence in the amendment proposed by this House to the preamble and resolutions from the Senate, in relation to water-rotted hemp.

That they had passed bills from this House of the following titles, viz:

An act for the benefit of William H. Bransford.

An act for the benefit of Coleman Graves.

An act for the benefit of Henry Smith, and others.

An act to legalize the marriage of Elisha Breeding and Belinda Stamper, and for other purposes.

An act to amend an act, entitled, an act authorizing the several county courts of this Commonwealth to permit gates to be erected on certain roads.

An act to amend an act, entitled, an act to reduce into one the several acts respecting slaves, free negroes, mulattoes and Indians, approved February 8, 1798.

An act for the benefit of Alexander Burnam.

With amendments to the two last named bills.

That they had passsd bills of the following titles, viz:

An act for the benefit of the President, Managers and Company of the Lexington, Harrodsburg and Perryville turnpike road company.

An act for the benefit of Juliet Henry, executrix of Mathis W. Henry, ceased.

And that they had disagreed to the amendment proposed by this House to a bill from that, entitled, an act to amend the law concerning the probate of wills; and had appointed a committee of conference on their part, and ask the appointment of a committee on the part of this House.

Mr. Benjamin Smithers, the member returned to serve in this House from the county of Breckinridge, in the place of John Calhoon, resigned, appeared and having produced a certificate of his election, took the oath required by the constitution of the United States, and the constitution and laws of this State, and repaired to his seat.

The Speaker laid before the House the response of the Board of Internal Improvement, to the resolutions of this House of the 17th instant, which is as follows, viz:

OFFICE BOARD OF INTERNAL IMPROVEMENT,
FRANKFORT, *January* 22, 1842.

SIR:

The Board of Internal Improvement have the honor of transmitting, through you, to the House of Representatives, a response to their resolutions of the 17th instant.

Very respectfully, &c.
THOMAS METCALFE, *President B. I. I.*

To the Hon. C. S. MOREHEAD,
Speaker of the House of Representatives.

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,
Frankfort, January 20, 1842.

SIR:

The Board of Internal Improvement have had under consideration sundry resolutions of the House of Representatives of the 17th instant, and respectfully make the following report:

In reply to the first resolution they have to state, that at an early period after the adjournment of the last Legislature, circular letters were addressed to the respective Presidents of Turnpike Road Companies, whose roads were in a course of construction, informing them that the amounts appropriated by the Legislature to their respective roads was specified; that the debts due to contractors "for work already done" was *first to be paid*, and that they were to confine themselves, in the further prosecution of the work, strictly within the limits of the appropriation. This Board has no power or authority, by law, to control the local Boards in the disbursement of their funds; and whether those instructions have been strictly complied with or not, they have no means of ascertaining.

In reply to the second resolution, the Board have to state, that "no contracts have been made or works let" by any local board under our authority, "since the first day of January, 1840," with the single exception of grading a portion of the Williamstown and Covington turnpike road, under a special agreement with the President thereof, that the Commonwealth was not to be committed for any additional subscription or money, on account of such contract; but that it was to be paid by individual subscription of persons residing in the county of Grant.

In reply to the third and fourth resolutions, the Board of Internal Improvement have to state, they have *recently* understood that in some few instances where the means possessed by the local board were insufficient to pay all the contractors what was due them, they have required of the contractors to take a due proportion of the funds on hand, with the understanding that the company was not to be subject to suit for any claim of balances which they might have against said company. They would further add, that they have reason to believe, that in some instances the contractors upon being informed by the local boards, that no individual subscription could be collected so as to enable the company to call upon the Board of Internal Improvement for the payment of the States' proportion of her subscription, have thereby been induced to place themselves in the attitude of individual stockholders, by purchasing the stock subscribed by individuals; and as contractors, acknowledging the payment of such subscriptions, for the purpose, by this operation, of receiving the subscription on the part of the State.

How far or whether any malpractices have taken place, under color of these operations, to the prejudice of the Commonwealth, the Board have no means of ascertaining. It is proper, however, to state, that the only authority the Board had for checking any improper practices, was resorted to, which will be found on reference to their annual report, (page 10 and 11,) made to the present Legislature. Had the Board possessed the power, they would have made the necessary investigation; but to the Legislature alone belongs the power of sending for persons and papers, by which means all those stock transactions of the local boards can be developed.

The Board of Internal Improvement will further state, that having received intimation that one of the "local boards" had, with the knowledge, advice and consent of the Agent of the State, added *ten per cent. to the fairly estimated value of the work, to be paid in stock of the road*, caused an inquiry to be made by the Chief Engineer, which resulted in an admission of the President and some of the managers of the road, that such addition had been made. In consequence of this admission, the Board of Internal Improvement refused to ratify the contract, (which was made some two or three years ago,) or permit the work to progress until such contracts should be cancelled and made null and void. It will readily be seen, that the addition of ten per cent. over and above the fairly estimated value of the work, without any equivalent therefor, would have resulted in binding the Commonwealth to pay twenty per cent. in money, which will, at all times, be resisted by the Board of Internal Improvement.

In reply to the last branch of the resolutions of the House of Representatives, the Board have to state, that copies of the resolutions and interrogatories of the House have been forwarded to the Presidents of the respective Turnpike Road Companies, whose roads are in a course of construction,

with a request that they will answer them most fully, and transmit their answers with as little delay as practicable—when received, they will be immediately transmitted to the House of Representatives.

All of which is most respectfully submitted.

THOMAS METCALFE, *Pres. B. I. I.*
SAMUEL DAVIESS,
P. DUDLEY.

Ordered, That said response be referred to the committee on Internal Improvement.

The Speaker laid before the House the response of the Board of Internal Improvement to the resolution of this House of the 21st instant, which is as follows, viz:

OFFICE BOARD OF INTERNAL IMPROVEMENT,
FRANKFORT, *January* 22, 1842.

To the Hon. C. S. MOREHEAD,
Speaker of the House of Representatives.

SIR: I have the honor to transmit to the House of Representatives the report of the Resident Engineer of the Kentucky River Navigation, in compliance with the resolution of the 21st inst.

Very respectfully, &c.,
THOMAS METCALFE, *President.*

FRANKFORT, *Jan.* 17, 1842.

SIR:—In accordance with usage, I beg leave to present you with a few remarks upon the operations on the Kentucky river during the past season, and particularly that portion of which, by the orders of the Board of Internal Improvement, and Chief Engineer, I had the special, and for a time the almost exclusive charge.

I regret that circumstances over which I had no control, and resulting from the orders referred to, have prevented me from reporting to you at an earlier moment. The following extract from a note addressed to the President of the Board of Internal Improvement on this subject, in response to a communication of his, will perhaps explain the principal causes of this delay, satisfactorily:

"This duty would have been performed long since, if my time had not been pre-occupied by other and more remote duties imposed upon me by the Hon. Board of Internal Improvement. I allude to the responsible position in which I was placed, as agent of one of the contractors, without my knowledge in the first place, and contrary to my wishes, and against my remonstrancies in the next. In this capacity, as you are aware, it was made my duty to receive the bonds due my principal in Frankfort—sell them where best I could, in Lexington, Louisville, or Cincinnati, and disburse the proceeds on his work once or twice a month. In addition to the onerous duty, involving no inconsiderable risk and loss on my part, and occupying nearly one half my time, I was, by a subsequent arrangement of a committee of the Board, consisting of one of its members and the Chief Engineer, directed to take the whole control of the work even to the management of the hands employed, and to perform all the duties properly appertaining to the contractor, in addition to my own. This engrossed the whole of my time to a late period of the season. Of the *labor* I complain

not—of the undue *responsibility*, I say nothing, but I have complained to, and remonstrated with the Board repeatedly, and without effect, on account of the *time* those complicated duties occupied, not only involving my occasional absence from the particular work of which I had the sole charge in every respect, but my total neglect of all the other works on the river, and in some degree, of my books and accounts. Nor do I pretend to say that the most judicious course was not adopted under all the circumstances as they then existed, to insure the completion of the work within the present season." I then advert to the fact of my having been under the necessity of abandoning the agency business of my own accord, so as to procure time to prepare estimates—that I reached Frankfort on the 25th December—was assiduously engaged in the performance of that duty, and would present estimates at the earliest possible moment. So much for the delay in preparing estimates. This delay I foresaw; drew the attention of the Board to the subject, but could not control the circumstances which have led to it.

I feel happy in being enabled to announce, that our labor on the five locks and dams under contract, are drawing rapidly to a close, and that our works have, in a great degree, escaped the more serious disasters incidental to works of this character, whilst in progress of construction—owing however to the hurried manner in which a portion of these works were precipitated toward completion in the fall and winter of 1839—'40, and a consequent and unavoidable defectiveness of construction, as regarded the dams particularly, some considerable injury was sustained at each of the works which it was attempted to complete within that season. This was further occasioned by the vast quantity of drift composed of the timber which had been cut from the banks of the river, along the pools of the several dams, during the preceding summer. In the early part of February, 1840, the river rose to a considerable height, and the drift which had gorged at the dams, passed over them in large compact masses with great violence, tearing away a large portion of the lower slope of No. 2; nearly the whole of that of No. 3, together with the rock bed of the river, to a depth of 4 to 5 feet—about one half of the lower covering plank, was carried away from No. 4, which received less injury than either of the others. The contractors repaired those works thoroughly, in 1840. Some improvements were made in the re-construction, the most important of which, was the use of long tie bolts of inch and quarter square iron, connecting several of the timbers together in front of the dam, in lieu of the 15 inch spikes of three quarter inch iron, used formerly. Those bolts are secured by keys, and are not subject to become loosened and drawn out by the tremor of the dam in high water. Since those repairs have been made, the dams have withstood the effects of floods, and ordinary drift, without detriment. For further particulars on this subject, I would beg leave to refer to my report of last year.

If it be asked why were those works hurried toward completion in 1839, when it was not contemplated to finish No. 1, simultaneously, without which, the other works were comparatively useless, and in their incomplete condition, as it resulted, positive obstructions to the navigation at certain stages of water? I can only reply, in justice to myself, that in the fall of 1838, the works progressed so tardily, that I deemed it my duty, during your absence, to address a letter to the President of the Board on the subject, requesting him to draw your attention to it as soon as you returned to

Frankfort, and suggesting such measures, as I had supposed should be adopted, to secure the completion of those works within the following year. Those suggestions, however, were not, or could not be acted upon, and at the close of that season, but comparatively, an inconsiderable portion of the whole work had been effected—that my own judgment was decidedly opposed to the attempt being made to complete them in 1839, and that I expressed my dissent to you in writing to that effect, assigning my reasons, amongst which, were the large amount of work to be done, (over two thirds of the whole)—the great number of hands required, (275 at each work)—the difficulty of collecting together, retaining, and *employing* to advantage, so large a body of men, and at a period when labor was in great demand, and unprecedentedly high—the fearful risk to be run with such a task to accomplish in a comparatively short time—the disastrous consequences of a failure, and the unimportant effects which the completion of those works would have in improving the navigation of the river until the lower work shall also be completed. I conclude by remarking. "The question "then arises, whether, under all the circumstances, it will be deemed good "policy to force the progress of the works toward completion this season, "with a strong probability, amounting almost to a certainty in my mind of "failing in the attempt, and thereby exposing the work in an unfinished "state, to the tender mercies of the winter and spring freshets, and jeopar-"ding, not only the character of the work itself, but that of the system "throughout the State. If, however, the Board, and yourself, entertain the "opinion, that the consideration of having those locks and dams completed "within the present season, is of such importance as to run the risk, even "though their completion should improve the navigation but in a very in-"considerable degree, every means which the Board may order to be em-"ployed, shall be put in requisition to accomplish their purpose so far as "practicable."

It may here be remarked, that although the order of the Board directing this work to be done in 1839, was made in March, yet, that in consequence of a failure to sell the bonds of the State, and the necessity of resorting to a loan from the banks; the necessary funds required to carry out this order, were not placed at the disposal of the Board, until some months afterwards, and the works dragged heavily in the early part of the summer. The occurrences above adverted to, took place at a meeting of the Board, in June. A loan from the banks had been effected, and it was *then* fully determined by the Board, and Chief Engineer, to push forward the works at all hazards. The result will be seen in the sequel.

In my report of 1839, I remark that "the deliberations of the Board, at "the period referred to, (June,) resulted in an order to employ agents, who "were to be sent abroad in quest of hands, and furnished with the necessary "means of defraying the traveling expenses of the men, thus engaged, to the "works. Accordingly agents were despatched through the country, and to "various points on the Ohio, from Portsmouth (Ohio,) to Evansville, "(Indiana,) and by these means a repectable force was collected about the "middle of August, which continued to augment through the exertions of "the agents, until the prevalence of sickness among the hands and contrac-"tors, in this, and the succeeding months, caused numbers to leave the "works, and re-doubled exertions became, in consequence, necessary, in or-"der to supply the places, and induce others to remain. The full number

"that I had calculated upon however, could not, owing to the above causes, "be at any one time *employed* or procured, and hence the delay, in the "completion of the works beyond the time anticipated; in other respects, "the season has been unusually favorable, there having occurred but one "small swell in the river since the dams were commenced. This took place "in September, and retarded operations, but in a slight degree, a few days."

In my report of 1840, I state, that "notwithstanding the extraordinary "efforts which were made in the fall of '39, and continued through the "winter, it was found impracticable to complete locks and dams Nos. 2, 3, "and 4, before the winter freshets occurred. The lock-walls were not car- "ried up the full height—the machinery for working the gates, was only "temporarily and partially attached; the covering of the dams was incom- "plete; the approaches to the locks not fully formed, and the banks were "in a degree left unprotected from abrasion by the floods." Calculations were made in June, that those works would be completed by the 20th November, and although there were no fall freshets to retard the progress of the work, yet it was found necessary to cut channels for miles through the ice, for the purpose of floating timber to be used in the construction of the several dams, as late as the middle of January, and the works were in imminent peril from the water passing around them when the river rose. Temporary walls of timber had to be placed on the unfinished lock-walls to enable boats to pass the locks, and the first boat passed up on the 13th or 14th of February. In the unfinished condition of the locks, considerable labour was performed, and expense incurred by the contractors in passing the trade of the river through their respective locks. The contractors, it is understood, occasionally charged the boats for this service at some of the locks, whilst at others, no charge was made, it being optional with the contractors to charge or not, unless when directed by a special order. The contractors claim pay from the State, for this service, under a verbal understanding, as they allege, between them and the Board, or the Chief Engineer. I had received no instructions on the subject, and have rejected the claim in making the estimates, as not properly chargeable to the construction of the works, and therefore, not within the meaning of the contracts.

The completion of the pier heads above those locks was delayed and retarded, in consequence of the impracticability of drawing down the water in the several dams in 1840, sufficiently low to construct the *flood-gates*; these consist of two leaves equal in width to the width of the lock, one 28 feet and the other 14 feet in length, and are formed of three thicknesses of four inch plank, rivetted together. They are placed in the bed of the channel immediately above the head of the lock, and lay in a horizontal position when not in use. They are on the principle of White and Hazard's patent, and this application of them, which is new, was intended to admit the opening of all the mitre gates of the lock simultaneously, for the purpose of passing a powerful current to wash out any sediment that might deposit in the channel below. It is easily demonstrable however, that this application of them must fail to answer the intended purpose. At all events experience has demonstrated, that they are, at least, useless appendages, for the simple reason that the apprehended impediment intended to be removed by their means, does not exist. Sediment does not deposit in the channels below the locks when the ordinary precaution is taken of leaving the valves of the

lock gates open. The current produced in the channel by these means, is found to be amply sufficient to effect the desired end; and under a positive conviction of the utter inapplicability, inefficiency and uselessness of these gates, I increased the number of valves in the lower mitre gates of No. 1, from six, (the usual number) to eight; and those when opened, will vent more than treble the natural discharge of the river in low water, with a head equal to that of the average lift of the locks. In some instances the solid rock bed of the channel below the lock has been torn up by the force of the water issuing from those valves. Even admitting that those gates can be worked, and that sediment does accumulate in the channel, yet the use of them would endanger the stability of the works, by the vast quantity of water falling over the breastwork of the lock and rushing impetuously and uncontrollably through the channel below.

Those gates have been constructed only at No. 2, and so far, it has been found necessary to secure them to their position by timbers spiked to the sides of the chamber, so as to prevent their forming an obstruction. No machinery has, so far as I am informed, been planned or ordered for working them. At the other locks, the pools could not be drawn down sufficiently low for the length of time requisite to construct those gates. Should their construction be still insisted on, it will be necessary to suspend the navigation for the greater portion of a summer season, and draw the pools down about *twelve* feet below the tops of the dams, thereby further exposing the dams to premature decay, and the country bordering on the river to increased unhealthiness.

I suggested, several years since, the substitution of an additional number of valves in the mitre gates of the lock for this contrivance. This suggestion however was not adopted. There can be no doubt on the subject now, as even the ordinary number keep the channel clear. The adoption of the substitute would have *saved from four to five thousand dollars at each lock* in the first cost, and the cost of future repairs and renewals would also be decreased. The contractors would have been enabled to complete the pier heads long since, but for the delay occasioned by their efforts to construct those flood gates throughout the summers of 1839, '40 and '41.

Upon an accurate admeasurement of the injuries sustained by the dams, it was found that 16,284 feet of timber and covering plank had been torn away at dam No. 2—22,463 feet at dam No. 3, and 6,600 feet at No. 4, with proportionate quantities of iron and stone. The repairs of No. 2, I have estimated at $3,693 08—at No. 3, $6,667 46, and at No. 4, $2,008 60.

In the summer of 1840, and previous to the commencement of those repairs by the contractors, I submitted the question to the Board and Chief Engineer, whether the contractors, in their opinion, were entitled to pay for making those repairs: and in accordance with my invariable practice to adhere to the strict letter of the contract, unless authorized or directed to relax by competent authority, I declined to embrace the cost of those repairs in estimates, until I should be so authorized. The contractors were present at the meeting of the Board; the result was a letter of instructions from the Chief Engineer, dated June 24th, 1840, and of which the following is an extract.

"The Resident Engineer will report an estimate of the value of work "done at each lock and dam upon the Kentucky river navigation up to this "date, without deducting the amount of damage done by floods; and he

" will make out and report an estimate every month without deducting such " damage, until otherwise directed."

In accordance with these instructions, the damages have been included in the monthly estimates up to the present time, and payments made as for other works done. The attention of the Board however, having been directed to the subject recently, on the occasion of making a final estimate on No. 2, which work has been completed, and strong doubts having been expressed by the members of the Board and Chief Engineer as to the extent of their powers to indemnify the contractors for the work in question, it was decided by them to submit the question to the Legislature. In the absence of specific instructions, which I requested from the Chief Engineer on the subject, I have taken this case as a precedent, and have not included the cost of those damages or repairs in the estimates now presented.

The fact, then, cannot be disguised by any sophistry or subterfuge, that the attempt to complete those works in 1839, was a partial, and narrowly escaped being a signal and disastrous failure; and that too with the adventitious advantage of an unprecedented duration of low water in the Kentucky river, even to so late a period as the middle of January. The navigation was rather obstructed than improved. The construction, done *even* under the personal superintendance of *Engineers* and State agents, was necessarily defective, from the hurried manner in which the several parts of the works were thrown together. The unfinished dams were torn to pieces by the drift cut into the river by State authority. The pools have had to be drawn down for two successive summers to complete those same works. The timber work of the dams have been exposed to the decomposing rays of two summer's suns. No practical benefit has resulted to the State, to the navigation, or to individuals, by the course adopted; on the contrary, it may be said that all have suffered—the State in the *increased cost* of the works—the navigation in being impeded, and individuals in having been compelled, not only to employ an unwieldly force upon their respective works, at the highest prices known since the period of making the contracts, by from 25 to 50 per cent. but also in having had, in addition, to re-construct parts of these works (so far at least) at their own expense; and those same individuals are now dependant on legislative interposition for relief, or for what *they* call justice.

In relation to the operations on lock and dam No. 1, during the past year, I may be excused for going somewhat into detail, as the almost exclusive charge of this important work devolved upon me in the latter part of the season. This I conceive to be the more necessary, as I find you have in your report, (inadvertantly no doubt,) omitted to state some important facts connected with this season's operations, which omission I shall now endeavor to supply, as fully as I conceive circumstances demand.

This dam is 530 feet long, 80 feet base, and from 20 to 34 feet high, averaging 25 feet. It will be recollected that the walls of this lock were completed in 1840. About 300 feet of the foundation of the dam was built up to the level of ordinary low water, and the abutment commenced. The dam is built in the backwater of the Ohio, and was re-commenced in the latter part of June, so soon as the stage of water permitted, but was suspended in a few days in consequence of a rise. At the time you visited the work, about the 1st of July, those parts of the dam then constructed, was overflowed to a depth of several feet, and nothing *could* be done at ei-

ther dam or abutment. The building of the dam was not fairly commenced before the middle of July. The excavation of the abutment pit was also resumed, and pumping commenced about the middle of August; the river by this time having receded to a low stage. At this period there were 220 men employed, or double the number directed to be put on at this stage of progress, by the Chief Engineer, in his note of the 4th June.

The timber work of that portion of the dam commenced in 1840, progressed with ordinary speed, and was nearly completed by the 1st of Sept. leaving a gap or channel of about 250 feet, measured in the line of the dam, between the end of the constructed portion and the face of the abutment, the latter being placed within the alluvial bank on the opposite side; but as the direction of the dam struck this bank of the river *obliquely*, the channel did not exceed 70 feet in width; the site and the work were thus in an extremely insecure and hazardous condition in the event of a flood. At the latter period we had succeeded in penetrating through the stratum of sand which gave us so much trouble in our efforts to get a foundation for the abutment in 1840, and reached a stratum of remarkably tenacious blue clay, intermixed with gravel and large fragments of limestone rock, at a depth of about 12 feet below the lowest stage of the Ohio river. The *caisson*, or crib forming this portion of the work, was 70 feet long and 24 wide, divided by ranges of timbers crossing each other at right angles into compartments of six feet by three, and planked on the outside; it was sunk through the superstratum of sand with great ease, by excavating from within it, its own weight carrying it down as the excavation progressed. The water was kept out by an endless-chain-bucket pump, constructed altogether of wrought iron, and on the principle of a mill elevator; and although of my suggestion, you, at the time it was adopted, gave it the preference over any other. It occupied one of the compartments of the crib and was attached to it, and thus as the crib was sunk, cleared its own way. On the latter account it was perhaps as suitable a machine as could be devised for the purpose. It was originally contemplated to work it by steam power from the opposite bank of the river; but this, upon reflection, was abandoned and horse power substituted. The engine was out of order, and no convenient means existed at the time for supplying it with water. An endless rope of nearly a quarter of a mile in length would have been necessary, and steam power was unsuitable, from the character of the machine, and particularly when used at so great a distance. Some 20 horses were required to work it day and night, in relays of eight, and it threw about one cubic foot of sand and water per second, or between 6 and 700,000 gallons in 24 hours.

Upon reaching the above depth, and meeting unexpectedly with a firm material upon which to build the wooden abutment, I had supposed that if any further security should be considered necessary to the stability of the work, that a similar plan to that adopted at No. 2 in 1839, could be resorted to. At that point the abutment was commenced at a depth of only 4 to 5 feet below the surface of the river and upon a loose sand. Piles of timber one foot in diameter were driven some 12 or 15 feet below this level by a piling machine, and the work has stood well; and stone, gravel and sand has been deposited to a depth of several feet against the lower vertical face of the dam, by the re-action of the water. The whole of this dam is on a gravel foundation, and was originally built at, or near the level of low water mark, the deepest part, and the abutment, between four and five feet below

this level. In place of undermining it has become imbedded in a gravel bar of its own formation.

Experience and observation are not indifferent guides; in anticipation of adopting a similar plan at No. 1, to that successfully adopted at No. 2, a piling machine used at the upper work was brought down to No. 1 in 1840, but never used. The piling could have progressed simultaneously with the other parts of the work, and much expense and time would have been saved, even should recourse to piling have been deemed necessary. At this date, (1st Sept.) there were 255 effective men employed at this site.

Such was the general condition of the work when the Chief Engineer, accompanied by two members of the Board, reached there on the 2d September. I was not present. It was then ordered, that the crib should be sunk to a depth of 20 feet below low water, and that the work at the abutment end of the dam, should not be commenced until this should be effected. It was also decided that the pump then in use, was not of sufficient capacity, and ordered that a pump of greater capacity (*as was supposed*) should be forthwith ordered from Cincinnati, and that a steam engine cylinder, on the work, should form part of the new pump. The superintendent started for Cincinnati on the same day, and made a contract with an extensive establishment for the pump; and, with a view to induce its speedy construction, offered a premium, in addition to the price demanded, for each day that the pump should be delivered before the time specified. It was furthermore ordered, that the excavation for an extension of the abutment below the dam be commenced. This work was intended to be of a similar character to that of the main abutment, and be sunk to some depth. This order involved an amount of work nearly equal in magnitude to the whole original abutment. Those orders it was impracticable, *impossible*, to carry out at that late season of the year. I came to Frankfort for the purpose of remonstrating on the subject. The Chief Engineer was absent on some other duty, and there was no course left but to use every possible exertion to carry those orders out, so far at least as circumstances would permit, or it was possible to comply.

In the mean time, whilst waiting the arrival of the new pump, the chain pump was kept in motion; but work at the abutment had ceased, and a blight appeared to have come upon the works. Impatient of further delay, I had the crib manned with about 80 men on the 17th of September, and after five days severe labor, in mud, water and rain, succeeded in sinking it about 18 inches with the old pump, which *now* kept the pit free of water. It was with much difficulty, and by the promise of double wages, that men could be induced to work in the bottom of the crib, standing in cold spring water, and under the drip of the scaffolding above them, on to which they raised the excavated material with shovels, from one to another, until it reached the top of the crib, when it was wheeled off. Whilst passing through the sand, no difficulty was experienced in sinking about two feet per day; but upon reaching the blue clay and stone, the crib would not sink until the tenacious and solid material, was completely removed by means of picks, from under the timbers, and this, in a confined space, proved to be a tedious and difficult task for the workmen. Before the attempt to penetrate the stratum was abandoned, the timbers of the crib were undermined from 18 inches to 2 feet, but owing to the tenacity and adhesive character of the soil, the pressure of the bank, and probably some points of concealed rocks,

its weight did not appear to be sufficient to force it down, or to overcome the pressure against its sides, and here, the attempt to sink the crib deeper was abandoned after having reached a point 13½ feet below low water, and having, *so far*, lost three weeks of the most favorable season of the year for our operations on that part of the dam not yet commenced.

On the 23d September, the Ohio commenced rising, the last pieces of the new pump were received, and it was nearly ready to be tried, when the Chief Engineer, accompanied by a member of the Board, again visited the work. The orders given on the 2d Sept. were, in part, countermanded, and the pumping ceased, having been continued without interruption for about one month, day and night—in the first four days of which, it was sunk to the blue clay. During this period, that part of the dam next the lock had been so nearly completed that the workmen could not be all employed, and the force was reduced to 180 men. The dam in the channel was ordered to be commenced, and the work had the appearance of having progressed but little toward completion during the last month.

The first crib of the dam in the channel was floated to its place on the 30th September, at which period you visited the works, accompanied by a member of the Board. From this time to the 7th October, the Chief Engineer undertook the personal superintendence of the dam, whilst I was engaged in selling State bonds, and disbursing the proceeds as the contractor's agent. *The dam next the abutment was commenced on a sand bank* 14 *feet above the foundation of the abutment, and a little above the level of low water*, there being a slight rise at the time. The extension of the abutment below the dam, ordered on the 2d September, was commenced on the *same level*, with the intention, originally however, of sinking it in the same manner, and to the same depth as the abutment—a hopeless and impracticable undertaking at that late season. On the 12th of October, a rise in the Kentucky river undermined the cribs recently constructed—five were swept off—the sand bank upon which this end of the dam had been commenced was swept down to the blue clay, on which the abutment rests—the banks above and below the abutment were washed away to the extent of probably an acre, and the recent extension of the abutment undermined and toppled into the river, the abutment proper remaining secure—all of which were very natural consequences. Upon the whole, the occurrence of this little rise may be deemed a fortunate circumstance for the stability and permanence of the work, as it afforded an opportunity of founding this end of the dam on the blue clay 12 or 14 feet deeper than it was at first commenced.

About the 7th October an arrangement was entered into by a committee of the Board, consisting of the Chief Engineer and one of the members, by which the whole control of the work, in every particular, even to the employment and disposition of the forces was placed in my hands, with instructions to suspend making estimates, with an assurance that means should be furnished to meet the necessary expenditures, and with authority to guarantee the payment of all necessary expenses incurred, whether for labor or materials.

After the untoward circumstances adverted to had taken place, and as the season was far advanced, this appeared to be one of the means by which the work might yet be completed before winter. On the 18th of October, so unfavorable were the prospects for this consummation, *that the Chief Engi-*

neer suggested to one of the members of the Board the propriety of calling a meeting of the Board for the purpose of taking into consideration the expediency of suspending the further progress of the works for the season. To this proposition I ventured to express my dissent, believing that such a step would not only involve the safety of the work already constructed, but would lead to the destruction of the *site* itself, by the washing of a new channel for the river through the alluvial bottoms on the abutment side of the stream.

From this period to the 23d October, the current through the gap was so rapid as to preclude the possibility of re-commencing the dam in the channel, the water being 20 feet deep where the sand bank had washed out, with a current of five to six miles an hour. On that day a boom formed of a large poplar log and iron chains was thrown across the gap, the first of the cribs which had been prepared to supply the places of those washed away, was floated down to its position, and the work once more resumed, with a firm determination on all hands to make another though a doubtful effort to save the site at least, if not to complete the work. The weather was severe for the season. The wages of the workmen were necessarily increased to induce them to work in the water. Agents were despatched to distant points, and through the adjacent country, to bring on men, and in a few days our force was increased to 240 effective men *at the site*. Those men were worked to the utmost limits of their physical powers, by day and occasionally by night, without interruption, for the period of *thirty days*, ending on Sunday, the 21st November, and in this time, a mass of dam-work had been placed in the river 250 feet long, 80 feet base, and from 25 to 34 feet high, and in from 15 to 20 feet water, with the exception of 100 feet of the top of the dam, which is some 5 to 8 feet below the proper height.

The flood of Sunday night, which put an end to our operations on the *dam* for the season, was one of the most sudden that had occurred for many years. The water rose *five feet* in little over an hour, and threatened serious injury to the work in its unfinished condition. The alarm was given about midnight, and with some difficulty and peril, in consequence of current, drift and darkness, as many hands as could be raised were crossed over to the abutment in a storm of wind and rain, and by the most unremitting and vigorous efforts through the night, prevented the water from breaking around the end of the abutment, and saved the whole from utter destruction. Those efforts were continued for three successive days and nights by nearly the whole force, and were crowned with complete success. The abutment is now raised to the height of 22 feet above the top of the dam, and the wing extends 90 feet into the bank at the top, and 50 feet at the foundation, which is down within two feet of the blue clay. The planking extends *into* the clay. The whole is well embanked, and protected by brush in the absence of stone, which it was impracticable to get to this point, at the time, from the opposite side of the river in consequence of the rapidity of the current. Stone is now being placed in and about the abutment during the prevalence of high water in the Ohio. This abutment is now as safe and secure against the effects of *any stage of water*, as any other on the Kentucky river. The rise by which our operations were ultimately suspended, occurred when the Ohio was comparatively low. The depth on the comb of the dam was 3 feet, and on the unfinished part, about 10 feet, and the fall 12 feet, creating a tremendous torrent over the latter part, notwithstanding which, the work

has received no injury so far as can be ascertained. So unexpected and sudden was the rise, that several boats, some tools (left by the workmen on the dam, as usual,) and a quantity of timber and plank, were swept away during the night. These were regarded as minor considerations at a moment when the work itself was threatened with destruction. As an evidence of the stability and safety of the foundation of the dam and abutment, it is only necessary to state the fact, that the sand has deposited immediately below each, to a depth of from 10 to 12 feet. The deposite below the abutment was formed during the first flood, and has not, nor will not probably be disturbed. This proves conclusively, that the foundations are abundantly deep for all the purposes of perfect security.

Such is a detailed statement of the leading occurrences at No. 1, during the past season. It will be seen that from the 2d September to the 23d October, a period of nearly *two months*, nothing of any consequence had been effected towards building the end of the dam next the abutment, and this when commenced, at the latter date, was built up in about *one month*, ending on the 21st November, although under circumstances decidedly more unfavorable in every point of view, than if the work had been permitted to progress during the low water and fine weather of September. The expense of the work will also be increased by the cost of pumps, machinery, and pumping, and by the increased wages given the men to induce them to work by night, and at all seasons, when required; and from the necessity that existed of doing the work, not so much with regard to cost as to time. The value of the whole navigation—the safety of the work, and even the preservation of the site, were considerations which demanded a saving of time, at the sacrifice of every other consideration.

In relation to the period at which you may have *ordered* the abutment to be put down, I would merely remark that you declined to fix upon the site until 1839—that it was neither expected, nor *ordered*, nor was it practicable to build it in that season, from the large amount of work to be done—that the position, and character or description, of the abutment was not decided on, until the summer or fall of 1840. The abutment, on its present plan, was then attempted to be put down, but owing to the prevalence of high water in the river, the unexpected influx of water which percolated through the coarse sand encountered the inadequacy of the hand pumps, the absence of others, and the shortness of the low water season, it was sunk but a few feet, when it was necessarily abandoned for the season. This season it was re-commenced with a full knowledge of the difficulties to be encountered, and a suitable pump was accordingly prepared. The fact, however, that the abutment was *not* put down in 1840, as *ordered*, is no reason why it should be delayed and retarded by abortive experiments in 1841.

The Steamboat 'Ocean,' which had passed through the gap in the dam, and grounded some distance above, about the middle of October, was passed through the lock on the 25th November, since which period the navigation at this point has been uninterrupted.

Much credit is due the superintendent and foremen on the dam, for their co-operation in every measure that tended to hasten its completion, and for their persevering and unwearied efforts not only during its progress, but in saving the whole from destruction, on the night of the 21st November, even at the risk of their lives.

Much vexatious delay has been occasioned at the several locks, by the breaking of the chains used to work the gates. To prevent this at No. 1, I procured a chain of nearly double the strength of those in ordinary use for the lower gates, and caused two extra valves, making eight in all, to be placed in the lower gates, to keep the channel clear of sediment. The principal work remaining to be done is filling the abutment with stone, completing the dam and crib-work below the lock, and putting in the flood gates, should that still be insisted on. There are now probably fifty men employed in quarrying, boating and placing stone in and about the abutment.

Lock and dam No. 2 is completed.

Lock and dam No. 3 is also completed, or nearly so, with the exception of the flood-gates, and this, for the general reasons already given in a former part of this report.

Lock and dam No. 4 is similarly situated. The pier heads of the lock have not been carried up to the full height. The contractors had a sufficient force employed on this work in the early part of the fall, to have completed it before the opening of the navigation. They informed me that they were ordered to transfer this force to No. 5, and leave the pier head unfinished. However this may be, the unfinished condition of the work, it is believed, was in part the cause of the unfortunate accident by which the steamboat Argo was sunk at the head of this lock.

Lock and dam No. 5. This lock is completed with the exception of the machinery for opening the gates, which is not yet attached. The dam will be about 27 feet high. 140 feet has been built up to the full height, and the 240 remaining feet is in an unfinished condition, and from 8 to 10 feet below the finished portion. The lower part of the abutment has been injured, but the water was so high when I visited this work recently, that I could not ascertain to what extent. It would appear, however, that the safety of the work is not endangered.

In consequence of the arrangements made by the Board of Internal Improvement and Chief Engineer, through the summer and fall, my undivided attention was necessarily required at No. 1, and the whole of my time was absorbed in attending to my multifarious duties at that point, and so circumstanced I could not visit this work without detriment to the other. My absence embraced a period of several months, and a difficulty or misunderstanding appears to have grown up between the contractors and the Board and Chief Engineer, under whose special directions the work progressed. I am not apprised of the precise character of the orders given, the extent of the contractors' compliance with them, or whether they used their best endeavors to carry out those orders as far as practicable—and have nothing further to add upon the subject.

I would remark that many of the embarrassments and difficulties encountered toward the period of the completion of our works, have arisen out of the fact, that in almost every instance, too much has been left to accomplish in the season within which it is intended to complete; and even a large portion of that procrastinated, from one cause or another, until the eleventh hour, and then follows, as a necessary consequence, hurry, and confusion, and hazard, and sacrifice, and we escape the effects of a flood passing over or around some unprotected or unfinished part of the works, by a day or an hour.

Perhaps this state of things is in some degree attributable to the contract-

ors, as a consequence of their not more fully complying with the requisitions of the Engineers, made from time to time, to increase their forces, and progress more rapidly; and if the requisitions of the Engineers were, *on all occasions*, complied with, no doubt this state of things would not exist. But then, on the other hand, the contractor may alledge his inability to comply with those requisitions for various causes. That floods, sickness, and scarcity of hands are embarrassing circumstances—limited appropriations, falling short of the amount required to complete those contracts within the period assigned by the contracts—periodical delays in making those appropriations available by the sale of bonds, or by negotiations with the Banks, at an advanced period of the season, and more recently, the losses sustained by the depreciation of the State securities, in which medium the contractors have been paid in lieu of money, are frequently alledged in extenuation; and in viewing both sides of the question impartially, it cannot be denied that these considerations are entitled to some weight.

A table is appended showing the cost, &c. of the several items of expenditure.

The whole of the works can be perfected early in the next season. The navigation will then be permanent and uninterrupted for a distance of one hundred miles from the mouth of the river. All apprehensions of its not answering the purposes for which it was intended by its original projectors and early friends, will then be removed. As public confidence becomes established on this point, the business of the rich country within its influence will be increased and diverted into this channel, and although the direct income which may reasonably be expected from this portion of the original project, will not, for some years at least, be equivalent to the interest on its cost; yet it will exercise a beneficial influence indirectly on the business of the country, by facilitating and cheapening the transportation of freight and passengers; and agreeably to all experience, stimulating and enlarging the business of the country in the direct ratio of the extent of the facilities of this description offered to an enterprising community.

Having had the immediate charge of those works from their commencement, and this being probably the last report I shall be called to make upon them, I have deemed it not altogether unnecessary therefore, in order to the full and explicit understanding of questions now pending in relation to the contracts, and in some measure to relieve myself from inferences which might be drawn from a hasty perusal of public documents, as to the extent of my agency in the management of the work. And I trust these explanations will be received as a sufficient apology for my having gone into a more minute detail than I had at first intended.

All which is submitted.

M. R. STEALEY,

Resident Engineer, Kentucky River Navigation.

S. WELCH, ESQ., *Chief Engineer.*

Ordered, That the Public Printer forthwith print 150 copies of said response for the use of the members of the General Assembly.

The Speaker laid before the House the response of the Board of Internal Improvement to the resolutions of this House of the 11th instant, which is as follows, viz:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,
Frankfort, January 22, 1842.

SIR:

I have the honor to transmit to the House of Representatives, the report of the Board of Internal Improvement, in answer to their resolution of the 11th inst.

Very respectfully, &c.
THOMAS METCALFE, *President B. I. I.*

To the Hon. C. S. MOREHEAD,
Speaker of the House of Representatives.

The Board of Internal Improvement having had under consideration the resolutions of the House of Representatives, of 11th inst. to them referred, would respectfully ask leave to submit the following Report:

Acknowledging the importance to the State, of the information intended to be elicited by the questions propounded, and the obligation of the Board, to the extent of their power, to communicate the same, together with such views as they may entertain, as to the steps most proper now to be taken for the security of the works in progress, and the promotion of the best interests of the Commonwealth, they nevertheless have to regret their inability to perform such a task satisfactorily to themselves, much less can they hope to do so to the satisfaction of the House of Representatives.

Trusting however, that the enlightened Representatives of the State will duly appreciate the difficulties to be encountered, the Board will endeavor, to the best of their skill and judgment, to discharge the duties assigned them.

In the first place, the Board would respectfully refer the H. R. to the accompanying schedule of the public works, which are now in a course of construction, the amount which has been expended upon them respectively, and the estimated amounts required for their completion. With the data thus furnished by the Board, they doubt not but that it will be in the power of the House, composed as it is of Representatives from the different sections of the State in which those works respectively are located, to form opinions respecting their further prosecution or temporary suspension, not only more satisfactory to themselves than those which can be formed by the Board, but at the same time, more just and more fit as a basis of legislative action.

The Board do not hesitate to acknowledge the pecuniary embarrassments of the State as one of the main obstacles which they have to encounter in their efforts to arrive at satisfactory conclusions in reference to the interesting questions contained in the resolution.

If this obstacle, of the mountain's height, could be removed, nothing could afford to this Board greater pleasure than to march boldly up to the task assigned them, and give to the H. R. direct and explicit answers to all questions propounded. But these embarrassments, suspended as they are, like a dark cloud over the pathway of the Board, and impenetrable to their feeble vision, will doubtless be properly appreciated by the House, and will form the best apology for what otherwise might be considered deficient in the contents of this report.

The accompanying schedule will exhibit, in one view, the condition of the works upon the several rivers, the amounts which have been expended upon them, and the amounts necessary for the completion of such of them as are under absolute contract.

The estimated sum of $50,700 00, is intended to finish the works under contract upon the Kentucky river, to remove certain timbers from the banks, and to put up lock houses where they are needed. To this sum may be added $37,342 02, the amount of debt now due, and $5,745 10, with interest thereupon, making an aggregate of $93,787 12, of which there is appropriated $31,335 68, leaving to be appropriated this sum, $62,451 44.

The amount required to finish the works upon the Green and Barren rivers, according to the estimates contained in the last report of the Commissioners, is $60,031 38, including the debt due. In explanation of the causes of what might otherwise appear to be an unwarrantable discrepancy in the aggregate amount here stated, and former reports of what was deemed sufficient for the accomplishment of the same object, it is the duty of the Board to say, that a recent disclosure made before the Committee of Internal Improvement of the Senate, in the presence of the President of this Board, fully accounts for the difference.

The contractors have been allowed, in addition to regular prices, upon certain additional works done by them, a sum sufficient to cover the depreciation of the bonds which they had agreed to take at their *par value*, thus swelling the aggregate mentioned, many thousand dollars above what the Board had any right to anticipate.

The amount required to complete the works upon Licking river, in addition to the appropriation of last year, and including the debt due, is $258,-684 60, about 80 or 85 thousand dollars of which, will be sufficient to complete the lock walls and abutments. The contracts for work upon the several rivers, being absolute and unconditional, and of course not to be violated without the consent of the contractors, the Board take it for granted that it is not the intention of the Legislature to suspend operations upon any of those works, especially as an amount so vast has already been expended upon them, and as the works must remain comparatively unavailable and profitless to the State, until the same shall be completed. The works upon two of those streams, as hereinbefore stated, are nearly finished; and if the means can be furnished for that purpose, the whole of the contracts upon the three rivers may be completed, or nearly so, during the coming season. A suspension of any of those contracts, without the assent of the contractors, would be deemed equal to an abrogation thereof, and would entitle the contractors to indemnification, the amount of which, when added to the cost of material on hand and other preparations for carrying on the works, and the expenditure already incurred, would probably fall but little short of the amount required to fulfil all the obligations of the State so far as those works are concerned.

The Turnpike roads stand upon a different footing from the rivers, and in some respects from each other, in regard to the obligation the State may be under to make appropriations for their advancement or completion.

In some instances the State is a stockholder, but under no obligation to pay any portion of its subscription, until the other stockholders shall have paid their *pro rata* to the Treasurer of the companies. It is believed that the amount of individual subscription which will hereafter, for some time to come, be *bona fide* paid in, will be very inconsiderable, and that no new subscription can be had. Should this turn out to be the case, the State of course stands released from any obligation to the companies, and the Legislature will be left free to pursue the course dictated by discretion and sound

policy. That it will be good policy to make some detached portions of those roads for the purpose of closing up short gaps can hardly be doubted; but upon that point the Legislature will be the most competent judges.

There are some instances in which the State is pledged to expend given amounts unconditionally, and not depending upon what may be done by individual stockholders.

In other instances it may be that there is no pledge or obligation whatever on the part of the State, in which it may nevertheless be sound policy to expend inconsiderable sums to close up and connect detached portions of the road so as to render them available and profitable.

Georgetown and Williamstown road.—As will be seen by referring to the late report of the Chief Engineer, there remains 20 miles and a fraction of that important road not yet contracted for, about seven or eight miles of which is hardly passable with heavy loading on account of the intervening and rugged hills of Eagle creek. The grading of these hills during the approaching season, which it is believed may be done at not exceeding $3,000 per mile, is considered by the Board a measure of paramount importance.

Owingsville and Big Sandy road.—There is reported to be due for work done on this road, including debts due for superintendence, &c., of $8,741. The State has paid the full amount of its subscription, and therefore owes nothing to the company: but the contracts were made under the expectation that the State would make further appropriations—and the company had reason to expect this from the language of the law appropriating the last $50,000 to this object.

Suits have been brought against the company, subjecting them to great annoyance and embarrassment. Nearly all the stock in this road belongs to the State, and therefore it is believed to be sound policy to disembarrass the company by discharging such portion of the debts as may remain due after the individual and county subscriptions shall been have exhausted.

About 28 miles of this road has never been put under contract. It is not considered expedient to grade this for the present. The most of it is a good firm road: but some inconsiderable portions of it need improvement greatly, in order to render the finished parts, which are now detached from each other, the more useful to the public.

It is believed that about $4,000 might be profitably expended on the parts alluded to, which would be sufficient for all the purposes for which it is now used.

Application has been made to lease a part of this road—the lessee to keep it in repair, and to pay a certain price per annum, &c. The Board have no power to lease out this, or any other road, with or without the consent of the stockholders, or they might, in some instances, deem it expedient to do so.

There are two short sections of the road, leading from Louisville to the Tennessee line, which is not under contract; the grading of which would appear to be an object of paramount importance, though other portions are clearly entitled to great consideration.

One of those sections is near to Munfordsville, including the hills on each side of Green river, and about a half mile in length. The other near Bowlinggreen, 112 poles in length, including the Barren river hill. These short peices of road the Board think ought to be graded without delay. The expense would be about $4,500.

As it respects the location to be made of that section near Bowlinggreen, there may arise some difficulty between the private bridge company and the road company. Should the road be so located as to pass over this bridge, it will greatly enhance the value of that stock, at the expense of the turnpike company, by reason of the severe exactions, which, by the charter of the bridge company, they are authorized to make to the detriment of the public and to the citizens of Bowlinggreen.

If no arrangement can be made with this company to remove these difficulties, and place the two companies on a footing of equality, it is doubted by the Board whether any steps should be taken to grade this road, especially to the bridge alluded to.

There was an appropriation by the Legislature of $18,000 to the Crab Orchard and Cumberland Gap road. The Board have directed $8,000 of this to be applied to the improvement of the road between Mrs. Pitman's tavern and the Cumberland Gap; and this was to be considered as a part of the $40,000 previously appropriated by the Legislature to that part of the road. The remaining $10,000 was to be applied to the improvement of that part of the road between Crab Orchard and Mrs. Pitman's, provided the private stockholders would pay their proportion of the expense.

Conditional contracts were entered into, between two and three years ago, for making a new road around, or over the hills, &c., where changes or improvements were considered most necessary. One of the Resident Engineers, then in the service of the State, was directed to lay out the work upon such parts of the route as the Chief Engineer should designate, and to assist the President and Directors of the Turnpike Road Company in making contracts. The road was laid out, and contracts were made with a provision that the work should not be commenced until means were provided to pay the State's proportion of the expense. As the Board have had no funds which they could apply to the payment of expenses upon this road, these contracts were not approved, and they had not been under the consideration of the Board until they were required to make provision for the application of the funds applied by the last Legislature. The Chief Engineer was then directed to examine the whole line of road, with a view to ascertain what parts required first to be improved, and whether the private stockholders would pay their subscriptions. During his examination he was informed that the agreement with the contractors embraced a provision which the Board could not sanction. They refused to approve the contracts and required of the company to cause them to be set aside.

The Board are not advised whether the Turnpike Road Company have complied with this request or not, and in consequence, no money has been expended.

The part of the road which requires improvement most, is between the Crab Orchard and Mrs. Pitman's. Upon this, the Board have no authority to expend money in any other way than to pay it over as one of the stockholders in the road company, and this can only be done after the Board have satisfactory evidence that private stockholders have paid their proportion of the subscription. No information has been received of the payment of any portion of the private subscription.

The Board are of opinion that some improvement should be made upon parts of this road as soon as practicable, and as it is doubtful whether the private stockholders, under existing circumstances, can pay their proportion

of the subscription, the Board would recommend to the Legislature that authority be given to expend the funds appropriated by the act of the last session without requiring the payment of private stockholders.

Having set forth to the House the views entertained by the Board as to what sections of the several turnpikes referred to, and *not under contract*, it would be most expedient and proper to construct, it remains only to refer to the accompanying schedule, marked B, to enable the House to determine what is best to be done towards the further construction of that class of turnpikes *which are under contract*.

A claim was presented to the Board by the President of the Glasgow and and Scottsville Turnpike Road Company, during the last summer, for twenty thousand dollars, appropriated by an act, "further to provide for the Internal Improvement of the State," approved 16th February, 1838, for the purpose of completing that road to the Tennessee line. It was stated that contracts had been entered into under the faith of that appropriation, believing the same to be a donation to the road, and not depending upon individual subscription, and that the contractors were in great distress for want of their just earnings. Upon the best consideration the Board was enabled to give to the subject, and with a sincere desire to relieve the suffering contractors, provided they had a right to do so, they decided against the existence of any such right on their part, in consequence of which, it is understood those contractors are still unpaid. If, as the Board supposes to have been the case, this contract was made by the local Board under a misconstruction of the law, the case is nevertheless exceedingly hard upon the contractors, and the Board most cheerfully would have paid the claim, if they had not put a different construction on the law, and upon their own powers over the matter, than that which appears to have been placed on the same by the local Board. Under these circumstances, the Board do not hesitate to recommend this claim to the favorable consideration of the Legislature, anxious that no meritorious contractor shall be permitted to suffer in such a case.

It is understood that about five miles of the road from Louisville, by way of the mouth of Salt river, to Elizabethtown, has been graded, and some stone broken and prepared to be placed upon it. It is believed that some portions of this interval will answer without stoning while other parts thereof, will, on account of the peculiarity of the soil, require to be paved with stone. The Board are opinion that the attention of the Legislature should be espicially directed to this part of that important road.

That there are intervals of other roads which have escaped the attention of the Board, equally entitled to Legislative consideration, can hardly be doubted.

After all, the Board would be faithless to itself, and unfaithful to the Senate, did they not in all frankness add, that much of what they have recommended, ought, in their humble opinion, to depend for its success mainly upon the value of the bonds hereafter to be put in market.

As citizens of Kentucky, anxious above all things to preserve without a blemish the high character of this time honored Commonwealth, we would regret that any recommendation of ours should in the least degree have a tendency to bring reproach upon her fair escutcheon, or in anywise to do injustice to those who may receive or hold her obligations to pay.

The Board decline to recommend the sale of bonds at any considerable sacrifice, knowing as they do, that but for the general distrust of all State

credit, resulting from the action of other States, our bonds ought to, and would bring at least their par value.

"It is better to bear the ills we have than fly to those we know not of." "Though the world should fall let truth and justice prevail."

All of which is respectfully submitted to the honorable House of Representatives, by their obedient servants,

THOMAS METCALFE, *Pres. B. I. I.*
SAMUEL DAVIESS,
P. DUDLEY.

SCHEDULE A.

Statement showing the value of work done upon the Locks and Dams upon the Kentucky, Green and Barren, and Licking rivers; the amount paid, the amount due, and the amount required to complete the works:

KENTUCKY RIVER NAVIGATION.

	Value of work done.	Amount paid.	Amount due.
	Dollars.	Dollars.	Dollars.
Lock and Dam No. 1,	198,678 00	192,221 85	
Lock and Dam No. 2,	146,672 24	132,429 83	
Lock and Dam No. 3,	125,874 00	122,473 10	
Lock and Dam No. 4,	122,392 00	119,694 10	
Lock and Dam No. 5,	117,350 00	106,805 34	
	710,966 24	673,624 22	37,342 02
Amount paid for land for lock sites, surveying and leveling, superintendence, freight on lime, clearing river banks and removing snags,	.	59,842 43	
Lime at Louisville,	.	53,978 76	*5,745 10
Salaries,	.	16,627 47	
Whole amount paid,	.	804,072 88	
Amount required to pay for work yet to be done,	.	.	50,700 00
			93,787 12
Balance of appropriation not expended,	.	.	31,335 68
Amount required to pay debts due, and to pay for work yet to be done, in addition to the balance of last year's appropriation,	.	.	62,451 44

*This amount is due for money advanced by J. Hulme, to which is to be added the accruing interest.

A—Continued.

GREEN AND BARREN RIVER NAVIGATION.

	Value of work done.	Amount paid.	Amount due.
	Dollars.	Dollars.	Dollars.
Lock and Dam No. 1, - - - - - - -	160,073 56	158,886 87	
Lock and Dam No. 2, - - - - - - -	90,774 88	90,774 88	
Lock and Dam No. 3, - - - - - - -	121,030 23	121,029 93	
Lock and Dam No. 4, - - - - - - -	124,646 78	120,530 91	
Lock and Dam No. 1, in Barren, - - - -	127,046 55	123,097 15	
	623,572 00	614,319 74	
Amount paid by Green and Barren river Commissioners for clearing river banks, hydraulic lime, and other things connected with the river navigation, - -	.	92,625 13	
Amount paid by Green and Barren river Commissioners, as stated in their report of December, 1841, -	.	*706,944 87	
Amount reported, by the Resident Acting Engineer, to be now due to contractors, - - - - -	.	.	14,323 38
Amount required, according to the report, to pay for work yet to be done, - - - - - - -	.	.	45,708 00
Amount required to complete the navigation, exclusive of water power, at Nos. 4 and 1, in Barren, - -	.	.	60,031 38

* The expenses of manufacturing hydraulic lime, and salaries of Engineers, have been mostly paid by the Board of Internal Improvement, and the amount so paid is not included here.

A—Continued.

LICKING RIVER NAVIGATION.

	Value of work done.	Amount paid.	Amount due.
	Dollars.	Dollars.	Dollars.
Lock and Dam No. 1,	64,325 74	61,334 26	
Lock and Dam No. 2,	60,489 26	57,940 32	
Lock and Dam No. 3,	44,773 08	44,132 24	
Lock and Dam No. 4,	43,965 00	42,803 05	
Lock and Dam No. 5,	24,169 75	24,075 60	
Locks and Dams Nos. 7 and 8,	6,900 00	6,900 00	
Obstructions in the mouth of Licking,	5,383 47	5,383 47	
Rent of office and loss on sale of stone boats,	1,128 43	1,128 43	
Superintendence,	1,916 66	1,916 66	
Clearing banks of river,	3,121 20	3,121 20	
Leveling and surveying,	4,106 15	4,106 15	
Land at lock sites,	1,747 33	1,747 33	
Freight on lime,	3,805 00	3,805 00	
Salaries,	13,088 00	13,088 00	
Mills and manufacture of lime on Licking,	14,866 54	14,866 54	
Lime from Louisville,	8,888 40	8,888 40	
Whole amount of work done,	302,674 01		
Amount paid,		295,236 65	
Amount due, including retained per centage,			7,437 36
Amount required to pay for work remaining to be done on 1st December, 1841, to complete the five locks and dams,			270,247 24
			277,684 60
Deduct unexpended balance of last year's appropriation,			19,000 00
Amount required to pay debts due, and to pay for work yet to be done, in addition to the balance of last year's appropriation,			258,684 60
Appropriations required, in addition to the balance of last year's appropriations, to pay the debts due upon the Kentucky, Green and Barren, ank Licking rivers, including the retained per centage, and to complete the works now under absolute contract:			
Kentucky river navigation,			62,451 44
Green and Barren river navigation,			60,031 38
Licking river navigation,			258,684 60
			381,167 42

SCHEDULE B.

Statement showing the amount of work done upon the several Turnpike Roads now in progress of construction, including the finished parts of such roads; the amount due to contractors and others; the amount paid by the State up to December 1st, 1841; the amount required from the State to pay its proportion of the debt now due; and the amount required to pay for work yet to be done to complete the present contracts, about two thirds of which will be due from the State.

TURNPIKE ROADS.	Value of work done and services rendered.	Amount paid to contractors, &c.	Amount due to contractors, &c.	Amount paid by the State.	Amount required from the State.	Amount required to pay for work under contract.
	Dollars.	Dollars	Dollars.	Dollars.	Dollars.	Dollars.
Owingsville and Big Sandy, (*a*)	174,320	165,579	8,741	151,000	1,500	
Maysville and Bracken,	57,180	50,570	6,610	22,558	*b* 5,932	
Maysville and Mt. Sterling,	167,237	158,671	8,566	81,690	*c* 6,000	
Georgetown and Williamstown,	119,740	77,540	42,200	43,200	28,644	*h* 9,368
Williamstown and Covington,	161,500	150,000	11,500	71,200	11,500	*h* 39,000
Richmond and Lexington,	162,059	158,700	3,359	74,486	3,337	
Lexington, Harrodsburg and Perryville, (*d*)	.	.	.	103,646		
Bardstown and Glasgow, (*e*)	406,255	373,095	33,160	248,693	21,144	*i* 41,455
Glasgow and Scottsville to Tennessee line,	145,173	129,500	15,673	86,237	10,545	*i* 35,719
Louisville to the mouth of Salt river,	109,893	100,893	9,000	56,779	16,469	*i* 65,000
Mouth of Salt river to Elizabethtown, (*f*)	.	.	.	78,283		
Elizabethtown to Bell's tavern,	161,847	136,339	25,508	91,485	16,413	*i* 26,879
Bell's tavern to Bowlinggreen, (*g*)	107,081	80,408	26,673	52,469	18,918	*i* 14,000
Bowlinggreen to the Tennessee line,	101,470	96,189	5,281	62,388	5,259	*i* 21,586
Logan Todd and Christian,	163,105	112,554	50,551	69,529	39,208	*i* 121,544
					184,869	374,551

NOTES TO SCHEDULE B.

a The Board of Internal Improvement has paid the whole of the State's subscription to the stock of this company.

b There is a balance of the last year's appropriation of $2,200 not paid. Additional appropriation required, $3,732.

c There is a balance of the last year's appropriation of $2,099 not paid. Additional appropriation required, $3,900.

d No report from this road on the east side of the Kentucky river.

e There is a balance of the last year's appropriation of $7,155 not paid. Additional appropriation required, $13,989.

f No report from the roads from the mouth of Salt river to Elizabethtown.

g There is a balance of last year's appropriation of $5,384 48 not paid. Additional appropriation required, $13,533 52.

h The State pays three fifths of the cost of constructing these roads.

i The State pays two thirds of the cost of constructing these roads.

The amount required to pay the State's proportion of the debts due for work, &c., done upon the roads, not including the Lexington, Harrodsburg and Perryville road, and the road from the mouth of Salt river to Elizabethtown, and exclusive of the balance of last year's appropriation, is - - - - - - - - -	$168,031
The amount required to pay the State's proportion of the cost of the work now under contract, exclusive of the roads above mentioned, and which remained to be done on the 1st December, 1841, - - - - - - - -	246,475
Amount required from the State to complete the contracts upon roads, exclusive of the two above mentioned, - - -	$414,506

On motion of Mr. Todd,

Ordered, That Messrs. J. Speed Smith, W. F. Bullock, Thomasson and Drake, be added to the committee to whom was referred the message of the Governor in relation to the Lexington and Ohio Railroad.

On motion of Mr. B. Smith, leave was given him to withdraw the petition of A. J. James—and it was withdrawn.

1. Mr. J. S. Brown presented the petition of Thomas and Adam Darling, praying that compensation be made them for losses sustained on State bonds, received by them for work done on lock and dam No. 3, on the Kentucky river.

2. Mr. Vance presented the petition of the contractors on the Louisville and Elizabethtown turnpike road, praying the passage of a law providing for the payment of the amount due them for work done on said road.

3. Mr. Lykins presented the remonstrance of sundry citizens of the county of Breathitt, against the establishment of a proposed new county out of part of said county.

4. Mr. R. Wickliffe, Jr., presented the petition of William Adams, pray-

ing a change of venue in sundry presentments now pending against him in the Clarke Circuit Court.

5. Mr. Vance presented the petition of the members of the Middletown Methodist Episcopal Church, praying the passage of a law authorizing the infant heirs of Benjamin Head, deceased, to convey to them a lot of ground, purchased of said Head in his lifetime.

6. Mr. Thomasson presented the petition of William S. Wolford, praying to be released from a bond executed by him and others as securities for Richard Oldham, dec'd, to the State, for the return of public arms.

7. Mr. Morin presented the petition of Robert Williams, contractor for lock and dam No. 3, on Licking river, praying compensation for losses on State bonds, received by him on account of his contract.

8. Mr. Conway presented the petition of the stockholders in the Louisville and Elizabethtown turnpike road company, praying that provision be made for the completion of said road.

9. Mr. Kinkead presented the petition of sundry mechanics of Woodford county, praying the passage of a law giving them leins for work done by them.

10. Mr. McKee presented the petition of Frances Ann Dawson, praying to be divorced from her husband, James W. Dawson.

11. Mr. Sanders presented the petition of sundry citizens of Gallatin county, praying the establishment of a Commonwealth's Bank.

12. Mr. B. Smith presented the petition of John M. Waddle, praying an amendment to the act establishing a town on his lands.

13. Mr. Cox presented the petition of sundry citizens of Nelson county, praying that our Senators be instructed, and our Representatives in Congress be requested, to vote for a repeal of the Bankrupt Law.

14. Mr. Skiles presented the petition of James Ford and Thomas L. Stephens, praying that certain lands, conveyed by them to the State, be re-conveyed.

15. Mr. Kirtley presented the petition of John W. Leathers, praying to be divorced from his wife, Cassandra B. Leathers.

16. Mr. Chambers presented the petition of sundry citizens of Mason county, praying the passage of a law allowing an additional Justice of the Peace to said county.

Which petitions and remonstrance were severally received, the reading thereof dispensed with, and referred, (except the 13th, which was laid on the table)—the 1st, 2d, 7th, 8th and 14th to the committee on Internal Improvement; the 3d to the committee on Propositions and Grievances; the 4th, 5th and 16th to the committee for Courts of Justice; the 6th to Messrs. Thomasson, W. F. Bullock and Wolfe; the 9th to a committee of the whole House for Tuesday the 28th instant; the 10th and 15th to the committee on Religion; the 11th to Messrs. Nuttall, Craddock, Barbour,

Sanders, T. D. Brown, Triplett, Conklin, Bramlette and E. I. Bullock; the 12th to Messrs. B. Smith, E. I. Bullock and M. T. Chrisman.

Mr. Skiles moved the following resolutions, viz:

WHEREAS, it is deemed highly important to the interest of the State, that a general rate of tolls should be fixed by law, as far as practicable, on all the Turnpike roads in which the State is interested,

Resolved, therefore, That the Board of Internal Improvement be requested to furnish this House, as early as practicable, with a schedule of the rate of tolls, which in their opinion ought to be charged on said roads, and such other and further views as they may deem necessary, to render such roads productive and secure the interest of the Commonwealth therein.

Be it further resolved, That the Board of Internal Improvement be requested to lay before this House, any order or orders of said Board dispensing with the services of Resident or Assistant Engineers, or Superintendents in the public service, and what dismissals have taken place under the orders of the Board.

Which being twice read was adopted.

Mr. E. I. Bullock, from the select committee, to whom was referred a resolution in relation to the propriety of branching the Court of Appeals, made the following report, viz:

The select committee to whom was referred a resolution instructing them to enquire into the expediency of *branching* the Court of Appeals, have had the same under consideration, and beg leave to report:

That in their view the proposition presents two points of enquiry. 1st, Has the Legislature the power, under the constitution, to pass such a law? 2d, Would the public convenience be promoted by such a policy?

In regard to the first point, they are of opinion that the language in the constitution which declares that "the judicial power of this commonwealth, both as to matters of law and equity, shall be vested in one supreme court, which shall be styled the Court of Appeals, &c." means nothing more than that there shall not be several supreme courts, with equal power and jurisdiction, presiding in different parts of the State, in whose decisions there would be no uniformity of opinion in construing the laws or determining the rights of property. The object undoubtedly was to secure uniformity in the decisions which should be co-extensive with the State. Thus considered, the object was a wise one, and such as ought to have been secured by the constitution. Uniformity of decision throughout the State is of the nature of those rights which are alone secured by the constitution.

Such a policy is not effected by circumstances or contingencies of any nature which might arise thereafter in the community—it was right when the constitution was framed, and will be equally so at the end of an hundred or a thousand years. But whether this Court should hold its sessions at one or more places is a question of a very different nature, and one liable to be influenced in regard to its propriety, by circumstances which the convention might readily have supposed would happen. It might have been most convenient, when the constitution was framed, for the region of the State then peopled, that the Court should hold its sessions at Frankfort. But in process of time, by the concentration of most of the turnpike roads at some other point, by the discovery of steam power, and the navigation

of our streams in that way, and by the course of trade, it might so happen that some other place would be more convenient and much more easy of approach by a large majority of the citizens of the Commonwealth, who would have business in that Court. For this reason, with others that might easily be enumerated, the place or places of holding the sessions of said Court, is not of the nature of those rights to be secured by the constitution. The question as to whether the Court should be held at one or more places, was, at the time the constitution was framed, one that depended upon the extended settlements of the country. The country below the Tennessee river has been obtained from the Indians and peopled by our citizens long since the constitution was framed, and surely these matters were calculated to have an influence in determining whether the Court should be held at one place several hundred miles from the litigant, or whether it might not be more proper to leave the question open for the Legislature to require the Court to hold its sessions at such places as would be most convenient to the community. It should be borne in mind that the great object, *uniformity of decision*, can be attained as well by requiring the same Judges to hold the sessions of the Court of Appeals at several places as at one place. Your committee are therefore of opinion, that nothing is found in the constitution to prohibit the branching of the Court of Appeals.

The second point of enquiry is, would the public convenience be promoted by such a policy? Upon this branch of the subject, your committee would beg leave to submit the following views:

Since the formation of our government, the population of Kentucky has greatly enlarged, spreading itself over the whole expanse of our widely extended territory, increasing from only a few thousand in 1800, to as many hundred thousand in 1840, and peopling all regions of our State, from the Sandy to the Tennessee river. However proper therefore it might have been at the commencement of our government to permit the Court of Appeals to hold its sessions at some point central and convenient to the citizens, then settled and resident in the middle regions of our State, it must strike every reflecting mind that the same policy *now* would, and experience does prove it to be, oppressive in the extreme.

The town of Frankfort is nearly 200 miles from the mouth of Big Sandy river, and still more distant from, and inaccessible to several counties washed by the waters of that stream. It is more than 300 miles from several of the southern counties of this State. The fact is known to all in any manner acquainted with the litigation of the country, that many of our citizens suffer wrong and injustice to be done them at home, rather than incur the expense of prosecuting their cases in the Court of Appeals, on account of the distance to Frankfort, and the necessity they would be under of committing their cases into the hands of strangers. And this is most strikingly true in reference to contests about last wills and testaments, and efforts to break corrupt and incapable clerks, in which cases great expense must necessarily be incurred in procuring the *personal attendance* of witnesses. Thus the distance from the Court, the expense necessarily to be incurred, and the loss of time from ordinary vocations, deter many worthy citizens from prosecuting appeals and seeking justice in the appellate court, in cases where they are satisfied that manifest wrong has been done them, and viewing the subject in this light, your committee would submit whether this does not amount to a virtual denial of justice.

The whole government in all its departments, having been originally framed and established for the benefit of the people, it strikes your committee as peculiarly proper, that in the administration of the laws and the dispensation of justice, the convenience of the mass and not of the few, should be consulted. And your committee are sustained in the view of the subject here taken, by the practice of many of the old and more densely populated, as also some of the new States, among which they will mention Pennsylvania, Virginia, South Carolina, Georgia, Mississippi, Tennessee, Ohio and Missouri, in all which States the policy now recommended has been adopted, and your committee are taught to believe, has been found to operate well. They therefore beg leave to report the accompanying bill.

E. J. BULLOCK, *Chairman.*

Mr. E. I. Bullock, from the same committee, reported a bill to regulate the Court of Appeals—which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with, it was referred to a committee of the whole House for Friday the 28th instant.

Ordered, That the Public Printer forthwith print 150 copies of said bill for the use of the members of the General Assembly.

Mr. J. Speed Smith read and laid on the table the following preamble and reolutions, viz:

WHEREAS, in the year 1835, the Bank of Kentucky did constitute the Schuylkill Bank at Philadelphia its agent for the transfer of the stock of said Bank in the said city, and during such agency, as it is represented to this General Assembly, the said Schuylkill Bank did issue a large amount of spurious and false certificates of said stock for her own emolument, as it is alleged, and in fraud of all persons into whose hands said false and spurious certificates, or certificates renewed thereon should come, and in fraud of the said Bank of Kentucky: And, whereas, it is thought that the Bank of Ky. may be rendered liable, in law or equity, to the holders of such spurious certificates of stock, or that she may be subjected to much annoying litigation on account thereof, and is desirable that justice should be rendered to said Bank, as well as to the persons who may innocently hold such certificates; and it is represented that, although a suit was instituted in a court of Pennsylvania, long since, by the Bank of Kentucky, against the Schuylkill Bank, to have remedy for said fraud, the effectual remedy demanded by justice cannot be had, because the courts of Pennsylvania do not, from their organization, possess the power necessary for a case so complicated and so novel in its character—wherefore,

1. *Resolved by the General Assembly of the Commonwealth of Kentucky*, That the General Assembly of the Commonwealth of Pennsylvania be requested to pass such a law as shall authorize the proper tribunal of that Commonwealth, to entertain jurisdiction of such a form of suit as shall be necessary to redress this great wrong, both on behalf of the Bank of Kentucky, and the innocent holders of said certificates; and that said tribunal may be authorized to grant all necessary restraining orders against said Schuylkill Bank, and have its effects, books and papers attached, and held sub-

ject to the order of said tribunal, if to justice it shall be necessary; and in making this request, Kentucky does, respectfully, appeal to the justice of Pennsylvania.

2. *Resolved*, That his Excellency, the Governor, be requested to transmit a transcript hereof to his Excellency, the Governor of Pennsylvania, together with a printed report of the President and Directors of the Bank of Kentucky, on the subject of their demand against the Schuylkill Bank, with a request that he will lay the same before the General Assembly of Pennsylvania.

The rule of the House requiring joint resolutions to lie one day on the table being dispensed with,

The said preamble and resolutions were then twice read and adopted.

Mr. R. Wickliffe, Jr., from the select committee, who were appointed to prepare and bring in the same, reported a bill for the benefit of the mechanics and laborers of this Commonwealth—which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with, it was referred to a committee of the whole House for Friday the 28th instant.

Mr. Craddock, from the committee on Claims, to whom was referred a bill for the benefit of Thomas B. Megowan—reported the same, with an amendment.

The said bill reads as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor of Public Accounts be, and he is hereby required to issue a warrant on the Treasury in favor of Thomas B. Megowan, for the sum of seventy-five dollars, expended by him in pursuing and re-capturing James Morton, who escaped from the jail of Fayette county, charged with felony, to be paid out of any money in the Treasury not otherwise appropriated.

The amendment proposed by the committee, was to strike out all of said bill after the enacting clause, and insert the following, viz:

That the County Court of Fayette be, and they are hereby authorized, at their next court of claims, to levy in favor of Thomas B. Megowan the sum of seventy-five dollars, to be paid as other claims against the said county, being the amount of his expenses in pursuing and re-capturing James Morton, who escaped from the jail of the said county.

The question was then taken on concurring in said amendment, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. R. Wickliffe, Jr., and Rumsey, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barbour,	Fible,	Rouse,
Barnett,	Fletcher,	Sanders,
Biggs,	Forman,	Skiles,
Bowman,	Gholson,	Smith, B.

Brien,	Gilliam,	Smith, J. Speed
Brown, J. S.	Harrison,	Smithers,
Brown, T. D.	Ireland,	Stone,
Bullock, E. I.	Karrick,	Taylor,
Bullock, W. F.	Kennedy, J.	Thomasson,
Busby,	Kirtley,	Thompson,
Carpenter,	Lykins,	Triplett,
Chambers,	Marshall, W. C.	Todd,
Chism,	Martin,	Wakefield,
Chrisman, M. T.	Morgan,	Wand,
Coombs,	Munday,	Weir,
Cox,	Owsley,	Welch,
Craddock,	Paxton,	White, J.
Cummins,	Petree,	Wortham,
Dixon,	Prewitt,	Young—57.

Those who voted in the negative, were—

Mr. Speaker,	Garnett,	Nuttall,
Messrs. Botts,	Hays,	Rumsey,
Bramlette,	Holbrook,	Swope,
Brawner,	Johnson, D. B.	Vance,
Browder,	Johnson, R. M.	Vawter,
Buford,	Lewis,	Whaley,
Chrisman, G. T.	Marshall, W. N.	White, D.
Conway,	McKee,	Wickliffe, R.
Cornish,	Morin,	Wickliffe, R. L.
Drake,	Noe,	Wolfe—31.
Flournoy,		

Ordered, That said bill, as amended, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By the committee on Privileges and Elections—A bill to establish election precincts in the counties of Calloway and Edmonson.

By the committee on Claims—A bill for the benefit of E. W. Dowden.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of said bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the Senate announcing that they had adopted a preamble and resolutions on the subject of the spurious issue of stock of the Bank of Kentucky, by the Schuylkill Bank.

The said preamble and resolutions were then taken up, twice read, and adopted.

The committee on Claims, to whom was referred a bill from the Senate, entitled, an act for the benefit of John McCall and others—reported the same without amendment.

And the question being taken on ordering said bill to be read a third time, it was decided in the negative; and so the said bill was disagreed to.

The amendments proposed by the Senate to bills from this House, of the following titles, viz:

An act to amend an act, entitled, an act to reduce into one the several acts respecting slaves, free negroes, mulattoes and Indians, approved February 8, 1798.

An act for the benefit of Alexander Burnam.

Were twice read and concurred in.

A bill from the Senate, entitled, an act for the benefit of Wilson M. Taylor's heirs—was read a third time, as amended.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Bills from the Senate of the following titles, viz:

1. An act to incorporate the Trustees of Clay Village Seminary.

2. An act for the benefit of the President, Managers and Company of the Lexington, Harrodsburg and Perryville turnpike road company.

3. An act for the benefit of Juliet Henry, executrix of Mathis W. Henry, deceased.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st and 2d were severally ordered to be read a third time, and the 3d was referred to the committee on Internal Improvement.

The rule of the House, constitutional provision and third reading of the 1st and 2d bills having been dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Flournoy, from the committee on Enrollments, reported that the committee had examined preambles and resolutions which originated in the Senate, and had found the same truly enrolled, ziz:

Preamble and resolutions in relation to water-rotted hemp.

Preamble and resolutions on the subject of the spurious issue of stock of the Bank of Kentucky, by the Schuylkill Bank.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Flournoy inform the Senate thereof.

Resolved, That the House adhere to their disagreement to the amendment proposed by the Senate, to the preamble and resolutions from this House, in

relation to the Bankrupt Law, and the law distributing the proceeds of the sales of the public lands.

The House then took up for consideration the bill to appropriate the sales of the public lands to the payment of the State's debt for internal improvement, and the amendment proposed by Mr. W. F. Bullock,

Mr. R. Wickliffe, Jr., then moved an amendment to the amendment of Mr. Bullock.

On motion of Mr. Chambers,

Ordered, That said bill and amendments be referred to a committee of the whole House, and made the special order of the day for Thursday next.

A message was received from the Governor by Mr. Harlan, Secretary of State, which is in the following words, viz:

To the Senate and House of Representatives:

By the request of the Governor of Indiana, I transmit, herewith, a joint resolution of the Legislature of that State, on the subject of a resumption of specie payments by the States of Ohio, Kentucky and Illinois.

R. P. LETCHER.

January 24, 1842.

A Joint resolution on the subject of a resumption of specie payments by the States of Ohio, Kentucky and Illinois.

WHEREAS, the General Assembly of the State of Indiana, at its present session, is taking measures, contemplating an early resumption of specie payments by the Banks of this State—therefore,

Resolved by the General Assembly of the State of Indiana, That the Legislatures of the States of Ohio, Kentucky and Illinois, be respectfully requested to take measures to secure an early resumption of specie payments by the Banks of their States, respectively.

Resolved, further, That his Excellency, the Governor, be requested to forward a copy of this joint resolution to the Executives of the aforesaid States, with a request that they will lay it before the Legislatures of their respective States.

(Signed,) JOHN W. DAVIS,
Speaker House Representatives.
SAMUEL HALL,
President of the Senate.

Approved December 23, 1841.
SAM. BIGGER.

Ordered, That said message be referred to the committee on Banks.

Then the House adjourned.

TUESDAY, JANUARY 25, 1842.

A message was received from the Senate announcing the passage of a bill from this House, entitled, an act for the benefit of the County Court of Wayne—with an amendment.

That they had passed bills and a resolution from this House of the following titles, viz:

An act for the benefit of Jailey Watson and others.

An act to amend an act, entitled, an act to incorporate the Louisville Gas and Water Company.

A resolution to appoint a joint committee on the public printing.

And had received official information from the Governor, announcing that he had approved and signed enrolled bills, which originated therein, of the following titles, viz:

An act for the benefit of Edmund O. Hawkins.

An act for the benefit of William M. Poyntz, and for other purposes.

An act for the benefit of William McCleland, and others.

An act for the benefit of Louisa J. Reece.

An act for the benefit of William Bradley.

An act confirming the title of Juliet Henry in a lot of ground in the town of Bowlinggreen, deeded to her by the Trustees of the Methodist Episcopal Church.

An act for the benefit of Sylvania Floyd.

An act to change the terms of the Jefferson Circuit Courts, and for other purposes.

An act for the benefit of the Clerks of the Washington and Marion Circuit Courts.

An act for the recording of Commissioners' deeds in the County Court Clerks' offices.

An act for the benefit of Louisa Warder.

An act for the benefit of Oscar Turner.

An act for the benefit of M. C. Anderson, John Messick, Charles P. Howard and D. P. Keatley.

An act for the benefit of Pouncy Nuckols, and others.

Approved January 22, 1842.

1. Mr. Ireland presented the petition of sundry citizens of Grant county, praying the establishment of a Commonwealth's Bank.

2. Mr. Morgan presented the petition of Vincent Redman and Pamelia, his wife, praying to be divorced from each other.

3. Mr. Sanders presented the petition of sundry citizens of Gallatin county, praying the establishment of a Commonwealth's Bank.

4. Mr. Triplett presented the remonstrance of sundry citizens of Daviess county, against the formation of a new county of part thereof.

Which petitions and remonstrance were severally received, the reading thereof dispensed with, and referred; the 1st and 3d to Messrs. Nuttall, Craddock, Barbour, Sanders, Triplett, Conklin, T. D. Brown, Bramlette and E. I. Bullock; the 2d to the committee on Religion; and the 4th to the committee on Propositions and Grievances.

On motion of Mr. J. Kennedy,

Ordered, That the bill to amend an act, providing that the estates of persons dying without heirs and distributees shall vest in the Commonwealth, and for other purpose, be taken from the table and placed in the orders of the day.

The House took up the resolution from the Senate to appoint a joint committee on Public Printing

The said resolution was then twice read and adopted.

On motion of Mr. Nuttall,

Ordered, That a committee of conference be appointed, on the part of this House, to meet a similar committee, on the part of the Senate, in relation to the disagreement between the two Houses on the amendment proposed by this House to a bill from the Senate, entitled, an act concerning the probate of wills.

Whereupon Messrs. Nuttall, W. F. Bullock and R. Wickliffe, Jr., were appointed said committee.

Mr. Craddock, from the committee on Claims, to whom was referred the petition of James Hager—reported the same, with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. R. Wickliffe, Jr., from the committee for Courts of Justice, to whom was referred the petition of Martha Ann Gooch—reported the same, with the following resolution, viz:

Resolved, That the said petition be rejected.

Which was concurred in.

On motion of Mr. Chambers, leave was given to withdraw said petition; and it was withdrawn.

Mr. R. Wickliffe, Jr., from the same committee, to whom was referred the petition of the widow and heirs of John B. Hill, dec'd, asked to be discharged from the further consideration thereof—which was granted.

Ordered, That that petition be referred to Messrs. Morgan, Craddock and Thomasson.

Mr. R. Wickliffe, Jr., from the same committee, to whom was referred the petition of sundry citizens of Washington county, asked leave to be discharged from the further consideration—which was granted.

Mr. R. Wickliffe, Jr., from the same committee, to whom was referred a bill from the Senate, entitled, an act further to regulate the proceedings in civil actions—reported the same without amendment.

And the question being taken on reading said bill a third time, it was decided in the negative; and so the said bill was disagreed to.

Mr. R. Wickliffe, Jr., from the same committee, to whom was referred a bill from the Senate, entitled, an act to authorize and enable the city of Louisville to erect water works—reported the same without amendment.

Ordered, That said bill be read a third time.

Mr. W. F. Bullock moved that said bill have its third reading to day, and it was decided in the affirmative.

The said bill was then read a third time.

Resolved, That the same do pass, and that the title thereof be as aforesaid.

Mr. R. Wickliffe, Jr., from the same committee, to whom was referred a bill from the Senate, entitled, an act further to regulate the terms of the Fayette Scott and Owen Circuit Courts, and for other purposes—reported the same without amendment.

The said bill was then, on motion of Mr. J. S. Brown, amended; and the question being taken on reading said bill, as amended, a third time, it was decided in the negative; and so the said bill was disagreed to.

Mr. Flournoy, from the committee on Enrollments, reported that the committee had examined sundry enrolled bills which originated in the House, of the following titles, and had found the same truly enrolled, viz:

An act to legalize the marriage of Elisha Breeding and Belinda Stamper, and for other purposes.

An act for the benefit of Henry Smith, and others.

An act to amend an act, entitled, an act to reduce into one the several acts respecting slaves, free negroes, mulattoes and Indians, approved February 8, 1798.

An act to amend an act, entitled, an act authorizing the several county courts of this Commonwealth to permit gates to be erected on certain roads.

An act for the benefit of Alexander Burnam.

An act for the divorce of Jerusha Foster.

An act to dissolve the marriage contract between Cynthia Wester and Samuel Wester, and to change the name of said Cynthia.

An act for the divorce and change of name of Fidelia Isbell.

An act declaring copies of foreign wills, recorded in the County Courts of this State, evidence.

An act for the benefit of Jane Myers.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Flournoy inform the Senate thereof.

Mr. R. Wickliffe, Jr., from the committee for Courts of Justice, to whom was referred a bill from the Senate, entitled, an act to allow Jonathan Davidson a change of venue—reported the same without amendment.

Mr. McKee then moved an amendment to said bill, which was adopted.

Ordered, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Gholson from the select committee appointed to prepare and bring in the same, reported a bill to repeal a part of an act regulating the Christian Academy, approved January 31, 1828—which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. R. Wickliffe, Jr., from the committee for Courts of Justice, to whom was referred a bill to increase the jurisdiction of Justices of the Peace in this Commonwealth—reported the same without amendment.

Ordered, That said bill be engrossed and read a third time.

On motion of Mr. Vance,

Ordered, That said bill have its third reading on this day.

The said bill was then read a third time, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter, Justices of the Peace shall have concurrent jurisdiction with the Circuit Courts, on all sums where the debt or balance of debt, exclusive of interest, shall not exceed one hundred dollars, founded on any specialty, bill, or note in writing, or account, to be heard and tried, and judgment appealed from, as in other cases.

Be it further enacted, That when a Constable shall return on an execution issuing on any judgment for five pounds or upwards, or where the balance thereon is that amount, exclusive of interest and costs, that the defendant or defendants have no goods or chattles out of which to make the amount, or any part thereof, and that he believes the defendant or defendants own real estate, it shall be the duty of the Justice, on the application of the plaintiff or his agent, to make out and certify a full and complete copy of the proceedings in such case, commencing with the warrant and ending with the execution and Constable's return thereon, which may be filed with the Clerk

of the Circuit Court; and on application of plaintiff, or his agent, it shall be the duty of the Clerk of the Circuit Court to issue a *scire facias* against the defendant or defendants to appear before the Circuit Court, on the first succeeding return day of original process, to show cause, if any he can, why judgment shall not be rendered, in the Circuit Court, for the amount of said judgment; and the Circuit Court, on the hearing of the *scire facias*, if satisfied that there is balance of five pounds or more, exclusive of interest and costs, due on said judgment, shall render judgment therefor, including the costs before the Justice; upon which judgment, execution may issue as in other cases of judgments in said court.

Mr. Garnett then moved to amend said bill by adding thereto the following engrossed clause, by way of ryder, viz:

Be it further enacted, That the Constables' commissions, for taking of replevins and making collections by virtue of executions, for an amount over $50, shall be no more than one half the amount now allowed by law on sums under $50.

Mr. Nuttall moved to lay said bill and amendment on the table until the first day of June next.

Mr. Munday then moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the affirmative.

The main question was then put—Shall the bill and amendment be laid on the table until the first day of June next? and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Clarke and Nuttall, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Botts,	Drake,	Rumsey,
Bramlette,	Flournoy,	Sanders,
Brown, J. S.	Gaines,	Skiles,
Brown, T. D.	Garnett,	Smith, J. Speed
Buford,	Hays,	Smither,
Bullock, E. I.	Kinkead,	Stone,
Busby,	Marshall, W. C.	Swope,
Carlisle,	McCann,	Thompson,
Chambers,	McKee,	Triplett,
Chrisman, G. T.	Morgan,	Whaley,
Conklin,	Munday,	White, D.
Conway,	Noe,	Wickliffe, R.
Craddock,	Nuttall,	Wickliffe, R. L.
Dixon,	Owsley,	Young—42.

Those who voted in the negative, were—

Mr. Speaker,	Forman,	Petree,
Messrs. Barbour,	Gholson,	Prewitt,
Barnett,	Graham,	Rouse,
Biggs,	Harrison,	Smith, B.

Bowman,	Holbrook,	Taylor,
Brien,	Jefferson,	Thomasson,
Browder,	Johnson, D. B.	Todd,
Bullock, W. F.	Johnson, R. M.	Vance,
Carpenter,	Karrick,	Vawter,
Chism,	Kennedy, J.	Wakefield,
Clarke,	Kirtley,	Wand,
Cornish,	Lewis,	Weir,
Cox,	Lykins,	Welch,
Cummins,	Marshall, W. N.	White, J.
Fible,	Morin,	Wolfe,
Fletcher,	Paxton,	Wortham—48.

The question was then taken on the adoption of the amendment proposed by Mr. Garnett, and decided in the affirmative.

Mr. Craddock then moved to amend said bill by adding thereto the following engrossed clause, by way of ryder, viz:

That in all sales made by Constables of this Commonwealth under executions of *fi. fa.*, unless the property sold does bring two thirds of its value, the defendant in the execution shall have the right to redeem the same, within six months from the date of the sale, by tendering the amount bid, together with six per cent. interest thereon; and it shall be the duty of any Constable, when he shall levy an execution of *fi. fa.* on the property of the defendant, to call on two house keepers of his county, and by them have the property valued on oath, to be administered by said Constable, and the valuation thus made, when reduced to writing and signed by the valuers, shall be returned by said Constable, with the execution, to the office from whence it issued.

That the provisions of this act shall also apply to sales of personal property and slaves made by Sheriffs, under executions of *fi. fa.*

Mr. Vance then moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. E. I. Bullock and Nuttall, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barbour,	Cummins,	Petree,
Barnett,	Fible,	Rouse,
Biggs,	Fletcher,	Smith, B.
Bowman,	Forman,	Swope,
Brien,	Graham,	Taylor,
Browder,	Harrison,	Thomasson,
Brown, J. S.	Holbrook,	Todd,
Brown, T. D.	Jefferson,	Vance,
Bullock, W. F.	Johnson, D. B.	Vawter,
Busby,	Karrick,	Wakefield,

Carpenter,	Kennedy, J.	Weir,
Chism,	Kirtley,	Welch,
Clarke,	Lykins,	White, J.
Conklin,	Marshall, W. N.	Wolfe,
Cornish,	Morin,	Wortham—47.
Cox,	Paxton,	

Those who voted in the negative, were—

Mr. Speaker,	Garnett,	Rumsey,
Messrs. Botts,	Gholson,	Sanders,
Bramlette,	Gilliam,	Skiles,
Buford,	Hays,	Smith, J. Speed
Bullock, E. I.	Johnson, R. M.	Smither,
Carlisle,	Kinkead,	Stone,
Chambers,	Lewis,	Thompson,
Chrisman, G. T.	Marshall, W. C.	Triplett,
Conway,	McCann,	Wand,
Craddock,	McKee,	Whaley,
Dixon,	Morgan,	White, D.
Drake,	Munday,	Wickliffe, R.
Flournoy,	Noe,	Wickliffe, R. L.
Gaines,	Nuttall,	Young—42.

The main question was then taken—Shall the bill pass? and it was decided in the negative; and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Thomasson and Harrison, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barbour,	Gholson,	Paxton,
Barnett,	Graham,	Petree,
Biggs,	Harrison,	Prewitt,
Bowman,	Holbrook,	Rouse,
Brien,	Innes,	Smith, B.
Browder,	Jefferson,	Taylor,
Carpenter,	Johnson, D. B.	Thomasson,
Chism,	Karrick,	Todd,
Chowning,	Kennedy, J.	Vance,
Chrisman, M. T.	Kennedy, W.	Vawter,
Clarke,	Kirtley,	Wakefield,
Cornish,	Lewis,	Weir,
Cox,	Lykins,	White, J.
Cummins,	Marshall, W. N.	Wolfe,
Fible,	Morin,	Wortham—46.
Fletcher,		

Those who voted in the negative, were—

Mr. Speaker,	Drake,	Owsley,
Messrs. Botts,	Flournoy,	Rumsey,
Bramlette,	Forman,	Sanders,

Brown, J. S.	Gaines,	Skiles,
Brown, T. D.	Garnett,	Smith, J. Speed
Buford,	Gilliam,	Smither,
Bullock, E. I.	Hays,	Stone,
Bullock, W. F.	Johnson, R. M.	Swope,
Busby,	Kinkead,	Thompson,
Carlisle,	Marshall, W. C.	Triplett,
Chambers,	McCann,	Wand,
Chrisman, G. T.	McKee,	Welch,
Coombs,	Martin,	Whaley,
Conklin,	Morgan,	White, D.
Conway,	Munday,	Wickliffe, R.
Craddock,	Noe,	Wickliffe, R. L.
Dixon,	Nuttall,	Young—51.

And then the House adjourned.

WEDNESDAY, JANUARY 26, 1842.

A message was received from the Senate, announcing the passage of bills from this House of the following titles, viz:

An act to establish the county of Crittenden, and for other purposes.

An act for the benefit of the heirs of Bennet Rose, dec'd.

An act to incorporate the Trustees of the Lancaster Presbyterian Church.

An act for the benefit of Joseph C. Stiles.

With amendments to the two last named bills.

That they had passsd bills of the following titles, viz:

An act to change the names of William Gosling, his wife, and son.

An act for the benefit of the widow and infant children of Benjamin Hart, deceased.

An act act allowing an additional Constable to the county of Nichols.

And had received official information that the Governor had approved and signed preamble and resolutions which originated in the Senate, viz:

Preamble and resolutions on the subject of the spurious issue of stock of the Bank of Kentucky by the Schuylkill Bank.

Preamble and resolutions in relation to water-rotted hemp.

Approved January 24, 1842.

1. Mr. J. S. Brown presented the petition of Thomas A. Berryman, praying to be released from a bond given by him to the State, for the return of public arms.

2. Also, the petition of sundry citizens of Owen county, praying the establishment of a Commonwealth's Bank.

3. Mr. Gaines presented the petition of Elizabeth Brame, praying to be divorced from her husband, Robert S. Brame.

4. Also, the petition of Robert S. Brame, praying to be divorced from his wife, Elizabeth Brame.

5. Mr. Todd presented the petition of Fielding L. Turner and others, praying the passage of a law releasing and relinquishing to them certain lots and lands, purchased by them of the Lexington and Ohio Railroad Company.

6. Mr. Weir presented the petition of sundry citizens of Muhlenburg county, praying the establishment of a new county out of parts of said county and the counties of Daviess and Ohio.

7. Mr. Lewis presented the petition of Tacy Terry, praying to be divorced from her husband Joseph Terry.

8. Mr. Innes presented the petition of sundry citizens of Harrison county, praying a repeal of the act of 1838-9, in relation to administrators and settlements of estates, &c.

9. Mr. Craddock presented the petition of J. M. Bohannon, praying compensation for losses sustained on State bonds, and on stock which he was compelled to take on account of his contract on the Bardstown and Green river turnpike road.

10. Mr. Clarke presented the petition of Nancy and Thomas J. Hoy, administrators of George W. Hoy, dec'd, praying the passage of a law authorizing a sale of certain lands, belonging to the estate of said dec'd.

11. Mr. Nuttall presented the remonstrance of sundry stockholders in the Franklin and Crab Orchard turnpike road, in Anderson county, against the removal of the gates on said road, near the town of Lawrenceburg.

12. Mr. Sanders presented the petition of John M. Bacon, praying to be released from a bond given by him as security for Henry North, for the return of certain public arms.

13. Mr. D. White presented the remonstrance of sundry citizens of Clay county, against the formation of a new county out of part thereof.

14. Mr. Chambers presented the petition of sundry citizens of Mason county, praying a modification of the laws in relation to licensing retailers of spirituous liquors.

Which petitions and remonstrances were severally received, the reading thereof dispensed with, and referred—the 1st and 12th to the committee on Military Affairs; the 2d to Messrs. Nuttall, Craddock, Barbour, Sanders, T. D. Brown, Triplett, Conklin, Bramlette and E. I. Bullock; the 3d, 4th, 7th and 14th to the committee on Religion; the 5th, 8th and 11th to the committee for Courts of Justice; the 6th, 10th and 13th to the commit-

tee on Propositions and Grievances; and the 9th to the committee on Internal Improvement.

The Speaker laid before the House the response of the Board of Internal Improvement to the resolutions from this House of the 24th inst., which is as follows, viz:

OFFICE BOARD OF INTERNAL IMPROVEMENT,
FRANKFORT, *January* 25, 1842.

To the Hon. C. S. MOREHEAD,
Speaker of the House of Representatives.

In reply to so much of the resolutions of the House of Representatives of the 24th inst., having reference to the dismissal of Engineers, &c., from the public service, the Board of Internal Improvement have the honor to report:

That agreeably to the 15th section of an act, entitled, "an act to amend the several acts providing for Internal Improvement in the State of Kentucky," approved 18th February, 1841, directing the Board of Internal Improvement to "dismiss all Engineers not absolutely necessary to carry on the public works," they adopted resolutions for that purpose—copies of which, with the report of the Chief Engineer, are herewith enclosed.

The Board will, "as early as practicable," prepare and lay before the House, as requested, a schedule of the rates of tolls which in their opinion ought to be charged on the turnpike roads in which the Commonwealth has an interest as joint stockholder.

THOMAS METCALFE, *Pres. B. I. I.*
SAMUEL DAVIESS,
P. DUDLEY.

OFFICE BOARD OF INTERNAL IMPROVEMENT,
FRANKFORT, *June* 26, 1841.

WHEREAS, it appears from a recent investigation made by the President, Chief Engineer, and T. F. McLean, one of the members of this Board, into the condition of the works and accounts growing out of the Green and Barren River Navigation, that the services of H. J. Eastin, Resident Engineer, can be dispensed with without injury to the public service—therefore,

Resolved, That the services of said Resident Engineer be dispensed with from this day.

January 20, 1842.

WHEREAS, it is the opinion of this Board, that the works upon the Kentucky and Licking rivers are now so advanced as to enable the Chief Engineer to assume the control of the same, without the assistance of Resident or Assistant Engineers—therefore,

Resolved, That the Chief Engineer be requested to dismiss all Resident or Assistant Engineers, or Superintendents, not absolutely required, in his opinion, for the public service; and that each and every Engineer, so dismissed, be required to deliver up to this Board, or to the Chief Engineer, all

books, papers, and other public property, belonging to the State, which may be in their possession; and that the Chief Engineer make report of his proceedings to his Board.

On the 24th January, 1842, the Chief Engineer reported to the Board that he had, in pursuance of the order, written letters to Messrs. M. R. Stealey and N. B. Buford, Resident Engineers upon the Kentucky and Licking River Navigation, informing them that their further services were no longer required.

[Copies, attest.]

AUSTIN P. COX, *Sec'y B. I. I.*

The Speaker, in pursuance of the joint resolution, appointed Messrs. Vance, Todd, J. S. Brown and Smither the standing committee on Public Printing; who are to meet from day to day and take into consideration all matters relating to public printing, and the accounts of the Public Printer; and said committee shall have power to send for persons, papers, and records, for their information.

On motion of Mr. Craddock,

Ordered, That the response of the Board of Internal Improvement to the resolution of this House, proposed by Mr. R. L. Wickliffe, be referred to the committee on Internal Improvement.

Mr. R. Wickliffe, Jr., from the committee for Courts of Justice, to whom was referred leave to bring in a bill more effectually to suppress riots and breaches of the peace, and to provide for the compensation of jurors who may serve in the trial of such cases before Justices of the Peace, asked to be discharged from the further consideration thereof—which was granted.

Ordered, That Messrs. Weir, Harrison, Rumsey and Triplett, prepare and bring in the same.

Mr. R. Wickliffe, Jr., from the same committee, asked to be discharged from bringing in a bill to amend an act, entitled, an act to regulate attachments in civil cases—which was granted.

Mr. Vawter, from the same committee, to whom was referred a resolution instructing them to enquire into the expediency of giving to the widow one third of the real and personal estate of her deceased husband, irrespective of any debt or other claim against said estate, asked to be discharged from the further consideration thereof—which was granted.

Ordered, That said resolution be referred to Messrs. Kinkead, Thomasson, Dixon, Clarke and R. M. Johnson.

Mr. E. I. Bullock, from the same committee, to whom was referred a resolution instructing them to take into consideration the laws now in force upon the subject of divorces, and, if necessary, to amend them, so as to place within the jurisdiction of the Circuit Courts, all cases in which it is proper that a divorce be obtained, asked to be discharged from the further consideration thereof—which was granted.

Ordered, That said resolution be referred to Messrs. Barbour, E. I. Bullock and Bramlette.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had approved and signed enrolled bills which originated in this House, of the following titles, viz:

An act for the benefit of Alexander Burnam.

An act to dissolve the marriage contract between Cynthia Wester and Samuel Wester, and to change the name of said Cynthia.

An act for the divorce and change of name of Fidelia Isbell.

An act to legalize the marriage of Elisha Breeding and Belinda Stamper, and for other purposes.

An act for the benefit of Henry Smith, and others.

An act to amend an act, entitled, an act to reduce into one the several acts respecting slaves, free negroes, mulattoes and Indians, approved February 8, 1798.

An act to amend an act, entitled, an act authorizing the several County Courts of this Commonwealth to permit gates to be erected on certain roads.

An act for the divorce of Jerusha Foster.

An act for the benefit of Jane Myers.

An act declaring copies of foreign wills recorded in the County Courts of this State, evidence. Approved January 25, 1842.

The following bills were reported by the committee for Courts of Justice, who were appointed to prepare and bring in the same, viz:

1. A bill for the benefit of Nancy Moore.

2. A bill for the benefit of Cæsar Watts.

3. A bill to prevent Druggists, &c., from selling poisonous drugs to slaves and minors.

4. A bill to change the venue in the case of the Commonwealth against R. P. Guthrie.

5. A bill to amend the law regulating the conveyance of lands sold by Sheriffs.

6. A bill to repeal the act of the 22d January, 1829, dispensing with a seal to a record filed in the Court of Appeals.

7. A bill to extend the June term of the Union Circuit Court, and for other purposes.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of the 1st, 3d, 5th 6th and 7th bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Flournoy, from the committee on Enrollments, reported that the committee had examined an enrolled bill which originated in the House, entitled, an act to establish the county of Crittenden, and for other purposes, and had found the same truly enrolled.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Flournoy inform the Senate thereof.

The House then resolved itself into a committee of the whole on the joint resolutions read and laid on the table by Mr. Thomasson, on the 3d inst.—Mr. Vance in the chair; and after some time spent therein, the Speaker resumed the chair, when Mr. Vance reported that the committee had, according to order, had under consideration the resolutions aforesaid, and had made some progress therein, but not having time to go through the same, had instructed him to ask leave to sit again—which was granted.

And then the House adjourned.

THURSDAY, JANUARY 27, 1842.

A message was received from the Senate announcing the passage of bills from this House of the following titles, viz:

An act for the benefit of the officers and guards of the Penitentiary.

An act for the benefit of Coonrod Havens.

With amendments to the last named bill.

That they had passed bills and a resolution of the following titles, viz:

An act for the benefit of William Beatty.

An act for the benefit of Thomas G. Tupman, and his securities.

A resolution to appoint a committee to settle the accounts of the Board of Green and Barren River Commissioners.

1. Mr. Gaines presented the petition of L. J. Witherspoon, Randal Walker and S. McBrayer, praying the repeal of an act establishing gates, near Lawrenceburg, on the Franklin and Crab Orchard road.

2. Mr. R. Wickliffe, Jr., presented the petition of David Morris, praying compensation for the right of way through his farm, condemned at the intance of the Lexington and Ohio Railroad Company.

3. Mr. Taylor presented the petition of sundry citizens of Union county, praying a modification in the laws authorizing the grant of license to retail spirituous liquors.

4. Mr. Thomasson presented the remonstrance of sundry citizens of Estill county, against the establishment of a new county out of part thereof and the counties of Clay and Breathitt.

5. Mr. Swope presented the petition of sundry citizens of Pendleton county, praying a modification of the laws authorizing the grant of licenses to retail spirituous liquors.

6. Mr. McKee presented the petition of the Trustees of the town of Lancaster, praying the passage of a law authorizing them to close up certain alleys in said town.

7. Mr. Nuttall presented the remonstrance of sundry citizens of the town of Westport, in Oldham county, against curtailing the limits of said town.

Which petitions and remonstrances were severally received, the reading thereof dispensed with, and referred, (except the 5th, which was laid on the table,)—the 1st, 2d and 6th to the committee for Courts of Justice; the 3d to the committee on Religion; and the 4th and 7th to the committee on Propositions and Grievances.

Mr. Vance, from the committee on Ways and Means, to whom was referred the petition of sundry citizens of Owensboro'; the petition of Stephen Stone and others—reported the same, with the following resolution, viz:

Resolved, That said petitions be rejected.

Which was concurred in.

Mr. Holbrook, from the same committee, to whom was referred the petition of J. G. Hamilton—reported the same, with the following resolution, viz:

Resolved, That said petition be rejected.

Mr. Vawter moved to amend said resolution, by striking out "be rejected," and inserting "is reasonable."

And the question being taken thereon, it was decided in the negative—and so the said resolution was concurred in.

Mr. Vance, from the same committee, to whom was referred a resolution directing them to enquire into the expediency of allowing the six year State bonds to be redeemed at the option of the holders, by issuing bonds therefor for the sum of five dollars each; also, if there are any State bonds authorized, which are not yet issued, that the same may also be issued in five dollar bonds, if desired by the person entitled thereto—asked leave to be discharged from the further consideration thereof—which was granted.

Ordered, That said resolutions be referred to the committee on Internal Improvement.

1. Mr. J. Speed Smith presented the memorial of Henry J. Eastin, in relation to his removal as Resident Engineer on the Green and Barren River Navigation.

2. Also, the petition of John F. Conn, praying to be divorced from his wife, Susan Conn.

Which were received, the reading thereof dispensed with, and referred—the 1st to Messrs. Dixon, Vance, Basye, Garnett and Buford; and the 2d to the committee on Religion.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he did, on this day, approve and sign a bill which originated in this House, entitled, an act to establish the county of Crittenden, and for other purposes.

The Speaker laid before the House a communication from the Secretary of State, enclosing statements from the Bank of Kentucky, the Northern Bank of Kentucky, and the Bank of Louisville, showing the liabilities of said Banks at the several periods mentioned in said statements.

Ordered, That said statements be referred to the committee on Banks.

Mr. Triplett, from the committee on Religion, to whom was referred bills from the Senate of the following titles, viz:

An act for the benefit of George M. Lambert.

An act for the benefit of William M. and Eleanor Griggs.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Browder, from the committee on Religion, to whom was referred the petition of Nancy Howerton; the petition of James M. Compton; of Isabella McBride; of David Trimble and wife; of Daniel Smith; and of Jacob H. White, each praying for a divorce—reported the same, with the following resolution, viz:

Resolved, That the said petitions be rejected.

Which was concurred in.

On motion of Mr. Thomasson, leave was given him to withdraw the petition of Isabella McBride—and the same was withdrawn.

Mr. Browder, from the same commmittee, to whom was referred the petition of Esther Thompson—reported the same, with the following resolution, viz:

Resolved, That the said petition be rejected.

Mr. Conklin moved to amend said resolution by striking out the words "be rejected," and inserting "is reasonable."

And the question being taken thereon, it was decided in the negative: and so the said resolution was then concurred in.

Mr. Browder, from the same committee, to whom was referred the peti-

tion of Elizabeth W. Million—reported the same, with the following resolution, viz:

Resolved, That said petition be rejected.

Mr. J. Speed Smith moved to amend said resolution by striking out "be rejected," and inserting "is reasonable."

And the question being taken thereon, it was decided in the affirmative.

Ordered, That said committee prepare and bring in a bill in accordance with the prayer of said petition.

Leave was given to bring in the following bills, viz:

On motion of Mr. Fible—1. A bill for the benefit of the Sheriff of Oldham county.

On motion of Mr. Morgan—2. A bill for the benefit of ——— Larue.

On motion of Same—3. A bill for the benefit of the Sheriff of Meade county.

On motion of Mr. R. L. Wickliffe—4. A bill to amend an act, entitled, an act for the benefit of E. Barnes, Peter Able, P. C. Slaughter, Z. Wilson and others, approved February 16, 1841.

On motion of Mr. Martin—5. A bill for the benefit of Lewis Justice, David Ford, Isaac Taylor and Joshua Robinson.

Ordered, That the committee on Ways and Means prepare and bring in the 1st; Messrs. Morgan, McKee and Hays the 2d and 3d; Messrs. R. L. Wickliffe, McCann and Busby the 4th; and the committee on Claims the 5th.

Mr. Browder moved a re-consideration of the vote concurring in the resolution rejecting the petition of Ann Creighton.

And the question being taken thereon, it was decided in the affirmative.

Mr. Wolfe then returned to the House the said petition.

Ordered, That the same be re-committed to the committee on Religion.

On motion of Mr. Craddock,

Resolved, That a call of the counties be made on Saturday of each week during the present session.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By the committee on Ways and Means—1. A bill for the benefit of James K. Gallion, late Sheriff of Whitley county.

By same—2. A bill for the benefit of Solomon Rhodes, former Sheriff of Muhlenburg county.

By the committee on Religion—3. A bill for the divorce and change of name of Malinda Lane.

By same—4. A bill for the benefit of the Beargrass Baptist Church.

By same—5. A bill for the divorce of Alexander Johnson.

By same—6. A bill for the divorce of Rezin Jackson.

By same—7. A bill for the benefit of Temple G. and Sophia Priest.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The House again resolved itself into a committee of the whole on the resolutions proposed by Mr. Thomasson, on the 3d instant—Mr. Vance in the chair; and after some time spent therein, the Speaker resumed the chair, when Mr. Vance reported that the committee had, according to order, had under consideration the resolutions aforesaid, and had made some progress therein, but not having time to go through with the same, had instructed him to ask leave to sit again.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hays and J. Kennedy, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Graham,	Smith, B.
Messrs. Barbour,	Innes,	Thomasson,
Bullock, W. F.	Jefferson,	Thompson,
Busby,	Johnson, R. M.	Todd,
Chambers,	Karrick,	Vance,
Chism,	Kinkead,	Vawter,
Chrisman, G. T.	Lykins,	Wakefield,
Cornish,	McCann,	Welch,
Cox,	Nuttall,	Whaley,
Drake,	Owsley,	White, J.
Fible,	Rumsey,	Wickliffe, R.
Garnett,	Sanders,	Young—38.
Gholson,	Skiles,	

Those who voted in the negative, were—

Messrs. Barnett,	Conklin,	Kirtley,
Bramlette,	Cummins,	McKee,
Brawner,	Gaines,	Smither,
Chowning,	Hays,	Wickliffe, R. L.-14
Chrisman, M. T.	Kennedy, J.	

At half past 2 o'clock, P. M., the House took a recess until 15 minutes past 3 o'clock, P. M.; at which time the House again resolved itself into a committee of the whole on said resolutions—Mr. Vance in the chair; and after some time spent therein, the Speaker resumed the chair, when Mr. Vance reported that the committee had, according to order, had under consideration said resolutions, and had adopted amendments thereto, which he handed in at the Clerk's table.

And then the House adjourned.

FRIDAY, JANUARY 28, 1842.

A message was received from the Senate announcing that they adhere to their amendment proposed to the preamble and resolutions from this House in relation to the Bankrupt Law, and the law distributing the proceeds of the sales of the public lands.

That they had concurred in the amendments proposed by this House, to bills from that, of the following titles, viz:

An act to allow Jonathan Davidson a change of venue.

An act for the benefit of Wilson M. Taylor's heirs.

That they had passed a bill from this House, entitled, an act for the relief of Edward Rumsey, administrator of Richard Elliott, dec'd.

That they had passsd bills of the following titles, viz:

An act to amend the several acts concerning divorces.

An act to amend the several acts establishing common schools.

An act further to amend the law concerning pedlars.

An act to regulate the licensing of Attorneys and Counsellors at Law.

An act to invest the Craddock fund.

An act to amend an act, entitled, an act to amend an act further to regulate the Board of Internal Improvement for the counties west of the Tennessee river, approved February 10, 1841.

An act to authorize advertisements to be published in the Clarion, and Critchfield's Family Library and Journal of Biblical Science

1. Mr. W. F. Bullock presented the petition or memorial of sundry citizens and the teachers in the town of Covington, praying an amendment to the school laws of this Commonwealth.

2. Mr. Dixon presented the petition of George W. King, praying compensation for damages sustained to his mills on Pitman's creek, by reason of the back water from Green river, occasioned by the locks and dams thereon.

3. Mr. Martin presented the petition of Elisha Weller, praying to be divorced from his wife, Ann Weller.

4. Mr. R. L. Wickliffe presented the petition of Stephen Camron, John McIsaac and Samuel H. Hahn, praying to be released from a bond given by them as securities of Samuel T. Beall, for the return of public arms.

5. Mr. R. M. Johnson presented the petition of Peter Jett, praying that additional compensation be allowed him for distributing public books, &c.

6. Mr. McKee presented the petition of Travis Dodd, praying the passage of a law refunding to him certain taxes paid by him improperly.

Which petitions were severally received, the reading thereof dispensed

with, and referred—the 1st to the committee on Education; the 2d to the committee on Internal Improvement; the 3d to the committee on Religion; the 4th to the committee on Military Affairs; the 5th to the committee on Claims; and the 6th to the committee for Courts of Justice.

Mr. Thomasson moved the following resolution, viz:

Resolved, That the committee on Public Printing be instructed to enquire into the expediency and the most practicable mode, if any, of reducing the expenditures of this Commonwealth for the public printing; and that they report to this House; and that they also report to this House the amount paid each year, for the public printing of this State, from the year 1832 to 1840, inclusive.

Which being twice read was adopted.

Mr. Browder, from the committee on Religion, to whom was referred the petition of George M. Bearden—reported the same, with the following resolution, viz:

Resolved, That said petition be rejected.

Mr. Brien moved to amend said resolution by striking out "be rejected," and inserting "is reasonable."

And the question being taken thereon, it was decided in the affirmative.

Ordered, That the committee prepare and bring in a bill in accordance with the prayer of said petition.

Mr. Browder, from the same committee, to whom was referred the petion of Lucy B. Green—reported the same, with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

On motion of Mr. E. I. Bullock, leave was given to withdraw said petition, and the same was withdrawn.

Mr. Browder, from the same committee, to whom was referred the petition of Susannah Shultz—reported the same, with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

On motion of Mr. Brien, leave was given to withdraw said petition, and it was withdrawn.

Mr. Browder, from the same committee, to whom was referred the petition of Amelia Bowling, and the petition of James A. Armstrong—reported the same, with the following resolution, viz:

Resolved, That said petitions be rejected.

Which was concurred in.

Mr. Browder, from the same committee, to whom was referred the me-

morial of sundry citizens of Grayson county, asked to be discharged from the further consideration thereof—which was granted.

Mr. Garnett, from the committee on Internal Improvement, to whom was referred a bill from the Senate, entitled, an act for the benefit of Juliet Henry, executrix of Mathis W. Henry, dec'd—reported the same without amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. W. F. Bullock, from the committee on Education, to whom was referred the petition of Allen Campbell—reported the same, with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. J. Kennedy, from the committee on Agriculture and Manufactures, made the following report, viz:

The committee on Agriculture and Manufactures, to whom was referred the resolution of the House instructing them to "enquire into the propriety of giving a bounty on cocoons, and all silk reeled from cocoons, raised in the State," having had the same under consideration, beg leave to report a bill granting a bounty to the producers of silk cocoons.

It will be seen, from the provisions of the bill herewith reported, that the committee propose legislation upon but one branch of the subject referred to them; and they will state, in a few words, the grounds of their action. The bounty proposed to be paid on cocoons, it is believed, is sufficient to give a stimulus to the business of feeding silk-worms as a branch of productive industry; and it is clearly obvious that, if the business be conducted up to the point of the production of cocoons, private interest will impel the producer to reel and manufacture the article, unless the superior advantages in other states for reeling and manufacturing shall induce the exportation of the article; in which case, it would be better policy for our culturists to sell the cocoons abroad, rather than engage in a fruitless competition against superior facilities for reeling and manufacturing. As the proposed bounty on cocoons offers all the stimulus necessary to engage our people in the business of feeding worms, the committee have not thought it necessary to offer any bounty for reeled silk. There can be no need of such a bounty while the bounty on cocoons is offered; unless it be also the policy of the Legislature to encourage the manufacture of silk under circumstances unfavorable to its manufacture. If other states can *manufacture* the cocoons into fabrics more cheaply than Kentucky, it is our policy to sell the raw cocoons: while, if we can manufacture as cheaply as other states, no bounty on the manufactured article is necessary at the same time that the bounty is offered on the raw; for private enterprise, in that case, can need no stimulus.

The committee believe that the climate and soil of Kentucky are admirably adapted to the business of silk culture and strongly invite our people to engage in it as a branch of industry, promising large rewards for the capital and labor expended in its prosecution. These are opinions founded on experiments already made in Kentucky, by which the practicability of the business, in every respect, has been conclusively demonstrated.

All which is respectfully submitted.

Mr. J. Kennedy, from the same committee, reported a bill granting a bounty on silk, cocoons—which was read the first time and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with, the said bill was ordered to be engrossed and read a third time.

Mr. Todd from the committee on the Expenditures of the Board of Internal Improvement, made the following report, viz:

The committee on the Expenditures of the Board of Internal Improvement respectfully beg leave to report:

That the powers and duties of the Board of Internal Improvement, as well as the various specific appropriations made for the slack water navigation on Green and Barren, Kentucky and Licking rivers, for improving the navigation of other streams, and the general and specific appropriations made for turnpiking the several roads under the control and management of incorporated turnpike companies, can be ascertained by reference to the acts of the General Assembly hereinafter referred to, as follows, viz:

"An act entitled an act for the Internal Improvement of the State, approved February 28, 1835. An act entitled an act defining the powers and duties of the Board of Internal Improvement, and for other purposes, approved February 29, 1836. An act further to provide for the Internal Improvement of the State, approved February 23, 1837. An act further to provide for the Internal Improvement of the State, approved February 16, 1838. An act further to provide for the Internal Improvement of the State, approved February 22, 1839. An act entitled an act to provide for the payment of public contractors and to preserve the faith of the State, approved February 21, 1840—and an act to amend the several acts providing for Internal Improvements in the State of Kentucky, approved February 18th, 1841."

The Board of Internal Improvement as now constituted, consists of a President and three members, appointed by the Governor, annually, by and with the advice and consent of the Senate. The salary of the President is $1,000 per annum, payable out of the public Treasury. The compensation allowed to the other members of the Board is $3 per day for each day they are respectively engaged in the discharge of their official duties, payable out of the Internal Improvement fund and chargeable to that fund, upon the presentation of their account certified by the Governor.

By the act approved February 28, 1835, the Board of Internal Improvement, as then constituted, (the Governor being ex-officio President thereof,)

was authorized to employ one principal engineer at an annual salary of $2,000. By the provisions of the act of the succeeding session above referred to, approved February 29, 1836, the general care, superintendance and control of all public improvements for interior communication in this State, which should belong in whole or in part to the Commonwealth, was vested in said Board, with power to employ for the engineer service of that year, one engineer at an annual salary of $1,800, and any number of assistants not exceeding six, at a sum not exceeding $1,400 per annum each, with discretion to increase the compensation to the principal and assistant engineers, by reducing the number of assistants to five.

The Governor was required by the terms of said act, from and after the end of that year, to appoint, by and with the advice and consent of the Senate, *one State Engineer*, whose annual salary was fixed at $3,000, who was required to keep his office at the seat of Government. The principal engineer was required to execute the orders of the Board of Internal Improvement, and to have a general supervision and direction of the engineer service, upon works in which the State was or might become interested, and to report to the Board from time to time, the result of his labors and examinations. He was authorized by said act to appoint, with the approbation of the Board, four assistants at an annual salary of $1,400 each. By the terms of said act the services of the Governor as a member of the Board was dispensed with, and the Board thereafter was constituted (as it still exists) by the appointment of a President and three members, whose salaries were fixed by that act, as above stated.

By the provisions of the first section of the act of the next session above referred to, approved February 23, 1837, the salary of the Chief Engineer was increased to $4,000 per annum; and he was empowered, by and with the advice and consent of the Board of Internal Improvement; and it was made his duty to employ as many resident and assistant engineers as the Board might deem necessary, and at such salaries as he and the Board should agree on, for the prosecution of the works of public improvement commenced or contemplated, and the surveys which had theretofore been, or were by that act authorized to be made. The expenditures authorized for the employment of resident and assistant engineers, was restricted to $20,000. Under the provisions of that act, the engineer service was placed under the superintendance of the Chief Engineer, (unless otherwise specially directed) whose duty it was made to execute the orders of the Board, and to report to them, from time to time, on all subjects, in reference to which the Board might require information. It was in like manner made the duty of the resident and assistant engineers to report to their Chief Engineer. By the 4th section of that act, the surveys of various rivers were directed to be made, the expense of which was limited to $15,000, to be paid out of the Internal Improvement fund.

By an act approved February 21, 1840, the annual salary of the Chief Engineer was reduced to $2,500, and the salary of the Resident Engineer on the Kentucky river to $2,250, and the salaries of the Resident Engineers on the Licking, Green and Barren rivers, and that of the road engineer to $1,500 each; the salaries of each assistant engineer was also reduced to $1,000 each, and the Board was directed to dismiss all engineers not

necessary to carry on the public works—and the Board was forbid to allow any of the engineers any expenses which they might incur in superintending the public works placed under their charge, but for extraordinary services which might be required of any of said engineers, not of the ordinary duties which belonged to their appointment, the Board, as theretofore, were permitted to allow any such engineer his travelling expenses.

By the act of the last session, approved February, 1841, provision was made for the transfer of the superintendence and control of the various turnpike roads in which the Commonwealth held stock, from the local Boards of the several turnpike companies, to the Board of Internal Improvement, and said Board was directed to place such roads as should be transferred to their management, under the superintendence and care of the Chief Engineer, who was invested with authority, by and with the consent of said Board, to appoint not more than five superintendants at a salary of $700, to be paid by the Board, and whose duties were to be prescribed by the Chief Engineer, by order of said Board. Provision was also made, by said act, for the management of the fiscal concerns, for a system of repairs, and for quarterly reports of the condition of said roads so as to reduce their management to a regular system, and to insure a regular payment of the dividends on the stock owned by the State, into the public Treasury.

Your committee have been thus minute in giving a history of the legislation on those subjects, with a view to a convenient reference to the several acts of assembly, and to present, in a condensed form, the various provisions in relation to the powers and duties of the Board of Internal Improvement, and the corps of engineers and officers under their control.

Your committee deem it unnecessary to enumerate the various rivers, roads and other objects, to the improvement of which, this system of legislation has been directed, and refer for more particular information on that subject, and to the general and specific appropriations of money, made to accomplish a general system of Internal Improvement, to the several acts above referred to, and conceive that they will fully accomplish the object of their appointment, by giving a full and correct view of the sums expended by the Board of Internal Improvement since its creation, and more particularly of the last year, as furnished by the reports made to the Legislature at the present and preceeding sessions.

Taking the report of the committee on the expenditures of the Board of Internal Improvement, made at the last session of the Legislature, as presenting a correct estimate of expenditures for Internal Improvements since the creation of the Board up to, and including the 30th of November, 1840, it appears that the total amount paid, was $4,012,636 97, which payments were made as follows:

To the Kentucky river navigation, - - -	$619,864 12
To the Green and Barren river navigation, - -	663,774 15
To the Licking river navigation, - - -	182,727 05
Total payments to works of slack water navigation, -	$1,466,365 32
To which add, as properly belonging to this head of expenditure,	
To payments to Hydraulic lime establishments, -	88,462 27
	$1,554,827 59

To total payments to engineers for salaries,	$68,956 40
To surveys,	16,164 21
To bridges across Rolling fork and Richland creek,	14,534 88
To descending navigation,	11,981 97
To Lexington and Ohio Railroad,	215,000 00
To Green river railroad, (abandoned)	1,903 00
To dirt roads,	45,563 51
To turnpike roads,	2,067,679 12
To general expenses,	19,026 30

Under this last head of expenditure are included payments to the following objects, viz:

Examinations for Hydraulic lime,	502 18
Agents to borrow money,	135 00
Printing blanks and advertising,	1,046 16
Engineering instruments,	2,313 91
Toll house on Muldrow's hill,	220 00
Surveys,	1,302 94
Green and Barren river navigation.	41 40
Kentucky river navigation,	74 93
Fuel and light for Engineer's office,	207 90
Agents to sell bonds,	3,952 39
Postage from March 1836, to September 1839,	287 56
Attendance on Engineer's office,	373 00
Stationery,	1,463 57
Office furniture,	369 25
Fee bills for recording deeds,	16 50
Pay of members of the Board,	4,202 35
Engineers' expenses,	2,507 26

During the last year, commencing on the 1st December, 1840, up to and including the 30th November, 1841, there has been paid out for Internal Improvements, the sum of $583,439 25, as follows:

SLACK WATER NAVIGATION, 1841.

To Green and Barren river navigation,	$98,500 00
To Kentucky river navigation,	113,602 53
To Licking river navigation,	75,666 66

DESCENDING NAVIGATION.

To Rough creek,	200 00
To fish dams in Kentucky river,	100 00
To Pond river,	1,000 00

TURNPIKE ROADS.

To turnpike roads,	268,261 31
Amount carried forward,	$557,330 50

Amount brought forward, - - -	$557,330 50
To dirt roads, - - - - -	200 00
To mill dams injured by slackwater, (by special acts,) -	1,650 00
To Hydraulic lime, - - - - -	9,566 54
To salaries of Engineers and Secretary, (for part of two years,) - - - - - -	12,404 35
To general expenses, including pay of members of the Board, stationery, &c. - - - -	2,194 23
To surveys, - - - - - -	93,63
	$583,439 25
To which add total amount of expenditures to 1st December, 1840, - - - - -	4,012,636 97
Makes a total of - - - - -	$4,596,076 22

Your committee have compared the statement of expenditures made by the Board of Internal Improvement at the present session, (which is herein referred to) with the Auditor's reports of warrants drawn on the Treasury, up to the close of the fiscal year, ending 10th November last, and have found the same to correspond.

The committee confidently believe that all the payments made by the Board, have been made in pursuance of contracts for services rendered, and other demands in furtherance of the system of Internal Improvements under their control and management, and that the acts making those appropriations have been strictly observed, and have in no instance been violated, as far as the committee have been enabled to discover.

All of which is respectfully submitted,

R. S. TODD, *Chairman.*
R. FLETCHER,
W. C. DRAKE,
G. W. FORMAN,
MILTON BUSBY,
T. D. BROWN,
R. D. N. MORGAN.

Ordered, That the Public Printer forthwith print 150 copies of said report for the use of the members of the General Assembly.

The following bills were reported by the committee on Military Affairs:

A bill for the benefit of James G. Hardy and James P. Bates.

A bill for the benefit of all those who may have executed bonds to the Commonwealth for public arms.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of said bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Thomasson, from the committee on Propositions and Grievances, in

pursuance of the instructions of the House, reported a bill to establish the county of Boyle, and for other purposes—which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Ordered, That said bill be engrossed and read a third time.

On motion of Mr. J. Speed Smith,

Ordered, That said bill have its third reading on Monday next.

The House then took up the amendments proposed by the committee of the whole to the resolutions proposed by Mr. Thomasson, on the 3d instant, in relation to amendments to the Constitution of the United States.

The question was taken on adopting the first amendment proposed by the committee of the whole, and it was decided in the negative.

The second amendment proposed by the committee of the whole, is as follows, viz:

Resolved, That the veto power of the President be so modified as materially to diminish the mischievous influence now exercised by that officer over the legislation of the country by means of said power.

And the question being taken on adopting said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. W. F. Bullock and Nuttall, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,
Messrs. Barbour,
Basye,
Biggs,
Botts,
Bowman,
Brawner,
Browder,
Buford,
Bullock, E. I.
Bullock, W. F.
Busby,
Carpenter,
Chambers,
Chism,
Chrisman, G. T.
Chrisman, M. T.
Clarke,
Conklin,
Cox,
Craddock,
Drake,
Fible,
Forman,
Gholson,
Gilliam,
Harrison,
Holbrook,
Innes,
Jefferson,
Karrick,
Kennedy, J.
Kennedy, W.
Kinkead,
Kirtley,
Marshall, W. C.
McCann,
McKee,
Morgan,
Morin,
Owsley,
Petree,
Prewitt,
Rouse,
Rumsey,
Sanders,
Skiles,
Smith, B.
Smith, J. Speed
Smither,
Thomasson,
Thompson,
Triplett,
Todd,
Vance,
Vawter,
Wakefield,
Wand,
Weir,
Welch,
Whaley,
White, D.
Wolfe—63.

Those who voted in the negative, were—

Messrs. Barnett,	Flournoy,	Nuttall,
Bramlette,	Gaines,	Paxton,
Brien,	Hays,	Stone,
Brown, T. D.	Johnson, D. B.	Taylor,
Carlisle,	Johnson, R. M.	White, J.
Chowning,	Lewis,	Wickliffe, R.
Conway,	Lykins,	Wickliffe, R. L.
Cornish,	Marshall, W. N.	Wortham,
Cummins,	Martin,	Young—29.
Fletcher,	Noe,	

Mr. J. Speed Smith then moved to amend said resolutions by striking out the second, and inserting in lieu thereof, the following:

Resolved, That the power of the President to appoint members of Congress to stations of honor, trust, or profit, under the General Government, ought to be restrained.

A division of the question being called for, the question was first taken on striking out, and decided in the affirmative.

The said amendment was then adopted.

Mr. Conway moved to amend said resolution by adding thereto the following, viz:

Resolved, That with a view to reconcile conflicting opinions upon the subject, a clause shall be adopted in the Constitution of the United States, defining clearly the power of Congress to pass banking corporations, to afford fiscal and commercial facilities in the United States.

And the question being taken on adopting said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Conway and R. L. Wickliffe, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barbour,	Conway,	Smith, J. Speed
Biggs,	Fletcher,	Smither,
Botts,	Gilliam,	Thomasson,
Bramlette,	Graham,	Wand,
Bullock, E. I.	McCann,	Weir—17.
Carpenter,	Morgan,	

Those who voted in the negative, were—

Mr. Speaker,	Forman,	Paxton,
Messrs. Barnett,	Gaines,	Petree,
Basye,	Garnett,	Prewitt,
Bowman,	Gholson,	Rouse,
Brawner,	Harrison,	Rumsey,
Brien,	Hays,	Sanders,
Browder,	Innes,	Skiles,
Brown, T. D.	Jefferson,	Smith, B.

Buford,	Johnson, D. B.	Stone,
Bullock, W. F.	Johnson, R. M.	Taylor,
Busby,	Karrick,	Thompson,
Carlisle,	Kennedy, J.	Triplett,
Chambers,	Kennedy, W.	Todd,
Chism,	Kinkead,	Vance,
Chowning,	Kirtley,	Vawter,
Chrisman, G. T.	Lewis,	Wakefield,
Chrisman, M. T.	Lykins,	Welch,
Conklin,	Marshall, W. C.	Whaley,
Cornish,	Marshall, W. N.	White, D.
Cox,	McKee,	White, J.
Craddock,	Martin,	Wickliffe, R.
Cummins,	Morin,	Wickliffe, R. L.
Drake,	Noe,	Wolfe,
Fible,	Nuttall,	Wortham,
Flournoy,	Owsley,	Young—75.

Mr. R. Wickliffe, Jr., then offered the following as a substitute for said resolutions as amended, viz:

That the good people of this Commonwealth, are not only satisfied, but well pleased with the Constitution of the United States as it now stands; and the opinion is hereby expressed to our Senators and Representatives in Congress, that no innovation should be made in that instrument, by which the appointment of the Secretary of the Treasury will be transferred to Congress, or the veto power restrained or abrogated.

Mr. Nuttall then moved to lay said resolutions and substitute on the table until the 1st day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Nuttall and R. L. Wickliffe, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barnett,	Flournoy,	Paxton,
Bowman,	Hays,	Smith, B.
Bramlette,	Johnson, D. B.	Smither,
Brien,	Johnson, R. M.	Stone,
Brown, T. D.	Kirtley,	Taylor,
Bullock, E. I.	Lewis,	Wand,
Carlisle,	Lykins,	White, J.
Chowning,	Marshall, W. N.	Wickliffe, R.
Chrisman, M. T.	Martin,	Wickliffe, R. L.
Conway,	Morgan,	Wortham,
Cornish,	Noe,	Young—35.
Cummins,	Nuttall,	

Those who voted in the negative, were—

Mr. Speaker,	Fible,	Petree,
Messrs. Barbour,	Fletcher,	Prewitt,
Basye,	Forman,	Rouse,

Biggs,	Gaines,	Rumsey,
Botts,	Garnett,	Sanders,
Brawner,	Gholson,	Skiles,
Browder,	Gilliam,	Smith, J. Speed
Buford,	Harrison,	Thomasson,
Bullock, W. F.	Innes,	Thompson,
Busby,	Jefferson,	Triplett,
Carpenter,	Karrick,	Todd,
Chambers,	Kennedy, J.	Vance,
Chism,	Kennedy, W.	Vawter,
Chrisman, G. T.	Kinkead,	Wakefield,
Conklin,	Marshall, W. C.	Weir,
Cox,	McCann,	Welch,
Craddock,	McKee,	Whaley,
Dixon,	Morin,	White, D.
Drake,	Owsley,	Wolfe—57.

The question was then taken on the substitute proposed by Mr. R. Wickliffe, Jr., and decided in the negative.

The yeas and nays being required thereon by Messrs. R. Wickliffe, Jr., and Nuttall, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barnett,	Gaines,	Nuttall,
Bowman,	Hays,	Paxton,
Bramlette,	Ireland,	Smither,
Brien,	Johnson, D. B.	Stone,
Brown, T. D.	Johnson, R. M.	Taylor,
Carlisle,	Kirtley,	White, J.
Chowning,	Lewis,	Wickliffe, R.
Conway,	Lykins,	Wickliffe, R. L.
Cornish,	Marshall, W. N.	Wortham,
Cummins,	Martin,	Young—32.
Flournoy,	Noe,	

Those who voted in the negative, were—

Mr. Speaker,	Fible,	Prewitt,
Messrs. Barbour,	Fletcher,	Rouse,
Basye,	Forman,	Rumsey,
Biggs,	Garnett,	Sanders,
Botts,	Gholson,	Skiles,
Brawner,	Gilliam,	Smith, B.
Browder,	Harrison,	Smith, J. Speed
Buford,	Holbrook,	Thomasson,
Bullock, E. I.	Innes,	Thompson,
Bullock, W. F.	Jefferson,	Triplett,
Busby,	Karrick,	Todd,
Carpenter,	Kennedy, J.	Vance,
Chambers,	Kennedy, W.	Vawter,
Chism,	Kinkead,	Wakefield,

Chrisman, G. T.	Marshall, W. C.	Wand,
Chrisman, M. T.	McCann,	Weir,
Conklin,	McKee,	Welch,
Cox,	Morgan,	Whaley,
Craddock,	Morin,	White, D.
Dixon,	Owsley,	Wolfe—62.
Drake,	Petree,	

The question was then taken on the adoption of said resolutions, as amended, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. Gaines and Craddock, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Drake,	Prewitt,
Messrs. Barbour,	Fible,	Rouse,
Basye,	Fletcher,	Rumsey,
Biggs,	Forman,	Sanders,
Botts,	Garnett,	Skiles,
Bowman,	Gholson,	Smith, B.
Brawner,	Gilliam,	Smith, J. Speed
Browder,	Harrison,	Swope,
Buford,	Holbrook,	Thomasson,
Bullock, E. I.	Innes,	Thompson,
Bullock, W. F.	Jefferson,	Triplett,
Busby,	Karrick,	Todd,
Carpenter,	Kennedy, J.	Vance,
Chambers,	Kennedy, W.	Vawter,
Chism,	Kinkead,	Wakefield,
Chrisman, G. T.	Marshall, W. C.	Wand,
Chrisman, M. T.	McCann,	Weir,
Clarke,	McKee,	Welch,
Conklin,	Morgan,	Whaley,
Cox,	Morin,	White, D.
Craddock,	Owsley,	Wolfe—65.
Dixon,	Petree,	

Those who voted in the negative, were—

Messrs. Barnett,	Hays,	Nuttall,
Bramlette,	Ireland,	Paxton,
Brien,	Johnson, D. B.	Smither,
Brown, T. D.	Johnson, R. M.	Stone,
Carlisle,	Kirtley,	Taylor,
Chowning,	Lewis,	White, J.
Conway,	Lykins,	Wickliffe, R.
Cornish,	Marshall, W. N.	Wickliffe, R. L.
Cummins,	Martin,	Wortham,
Flournoy,	Noe,	Young—31.
Gaines,		

Ordered, That the bill to appropriate the sales of the public lands to the payment of the State's debt for Internal Improvement, be postponed until Tuesday next, and be referred to a committee of the whole House for that day.

Ordered, That the bill to regulate the Court of Appeals be referred to a committee of the whole House for Wednesday next.

Ordered, That the bill for the benefit of the mechanics and laborers of this Commonwealth be referred to a committee of the whole House for Thursday next.

The amendments proposed by the Senate to bills from this House of the following titles:

An act for the benefit of the County Court of Wayne.

An act to incorporate the Trustees of the Lancaster Presbyterian Church.

An act for the benefit of Joseph C. Stiles.

An act for the benefit of Coonrod Havens.

Were twice read and concurred in.

Bills from the Senate of the following titles, viz:

1. An act to amend an act, entitled, an act to incorporate the Louisville Gas and Water Company.

2. An act for the benefit of Jailey Watson and others.

3. An act to change the names of William Gosling, his wife, and son.

4. An act for the benefit of the widow and infant children of Benjamin Hart, deceased.

5. An act for the benefit of William Beatty.

6. An act for the benefit of Thomas G. Tupman, and his securities.

7. An act to amend the several acts concerning divorces.

8. An act to amend the several acts establishing common schools.

9. An act further to amend the law concerning pedlars.

10. An act to regulate the licensing of Attorneys and Counsellors at Law.

11. An act to invest the Craddock fund.

12. An act to authorize advertisements to be published in the Clarion, and Critchfield's Christian Family Library and Journal of Biblical Science.

13. An act to amend an act, entitled, an act to amend an act further to regulate the Board of Internal Improvement for the counties west of the Tennessee river, approved February 10, 1841.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st was ordered to be read a third time; the 2d, 3d, 7th, 10th and 12th were referred to the committee for Courts of Justice; the 4th to Messrs. Botts, W. C. Marshall, Forman and Chambers; the 5th to the committee on Claims; the 6th to the committee on Military Affairs; the 8th and 11th to the committee on Education; the

9th to the committee on Ways and Means; and the 13th to the committee on Internal Improvement.

The rule of the House, constitutional provision and third reading of the 1st bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A bill from the Senate, entitled, an act allowing an additional Constable to the county of Nicholas, was read the first time and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

The said bill was then amended.

Ordered, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That the same do pass, and that the title be amended to read as follows: "An act allowing an additional Justices of the Peace and Constables to certain counties, and for other purposes."

A resolution from the Senate to appoint a committee to settle the accounts of the Board of Green and Barren River Commissioners, was taken up, twice read, and adopted.

And then the House adjourned.

SATURDAY, JANUARY 29, 1842.

A message was received from the Senate announcing their disagreement to bills from this House of the following titles:

An act for the benefit of Matthew Neale.

An act for the the divorce of Aaron Allison.

An act to repeal the act of the 22d January, 1829, dispensing with a seal to a record filed in the Court of Appeals.

That they had passed bills from this House of the following titles, viz:

An act for the benefit of Thomas B. Megowan.

An act to establish election precincts in the counties of Calloway and Edmonson.

An act for the benefit of E. W. Dowden.

An act for the benefit of Nancy Moore.

An act to extend the June term of the Union Circuit Court, and for other purposes.

An act to prevent Druggists, &c., from selling poisonous drugs to slaves and minors.

An act to amend the law regulating the conveyance of lands sold by Sheriffs.

With amendments to the two last named bills.

That they had passsd bills of the following titles, viz:

An act to amend an act providing that the fines and forfeitures in this Commonwealth shall be a fund for the payment of jurors, approved February 15, 1838.

An act to incorporate the Pilots and Commercial Insurance Company.

An act to regulate the town of Cadiz.

An act for the benefit of William Quisenberry.

An act to incorporate the Trustees of the Hawesville Seminary.

1. Mr. Rumsey presented the petition of Mary O. Knight, praying to be divorced from her husband, Charles Knight.

2. Mr. Botts presented the petition of sundry citizens of Fleming county, praying a change in an election precinct in said county.

3. Mr. McKee presented the petition of Reuben Stanton, praying that he permitted to keep a tavern, without first obtaining a license.

4. Mr. Brien presented the remonstrance of sundry citizens of Calloway county, against the division of said county.

5. Also, the petition of R. E. Rowland, Sheriff of Caloway county, praying that the interest paid by him on a judgment of the General Court, for failing to pay up the revenue of said county, may be refunded to him.

Which petitions and remonstrance were severally received, the reading thereof dispensed with, and referred—the 1st to the committee on Religion; the 2d and 5th to the committee on Ways and Means; and the 3d and 4th to the committee on Propositions and Grievances.

On motion of Mr. R. M. Johnson, leave was given him to withdraw the petition of John Hughes, praying a change of venue—and the same was withdrawn.

The Speaker laid before the House the response of the Board of Internal Improvement to the resolutions of this House of the 24th instant, which is as follows, viz:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,
Frankfort, January 1842.

Hon. M. V. THOMSON,
Speaker of the Senate:

SIR:—In compliance with the request contained in the resolution of the Senate of the 24th inst., that the Board of Internal Improvement furnish, as early as practicable, a schedule of the rates of toll which in their opinion ought to be charged upon the turnpike roads of this Commonwealth, &c., the Board ask leave, respectfully, to submit the following report:

The accompanying schedule, marked A, contains the rates fixed by the Board. This schedule assumes for its basis, the *power* by which the load is drawn, as the most practicable and convenient plan for regulating the tolls, as nearly as may be, *according to weight.*

It is true that this plan will not carry out the principle designed, with entire and unerring precision; but it is believed to be the nearest approach we can make to that object, without putting up scales at each gate to weigh the passing loads.

The accompanying table marked B, is intended to elucidate and explain the views of the Board, and to demonstrate the correctness of the principle contended for.

The road from Maysville to Lexington has been selected as fit and proper, upon which to make the demonstration. It is sixty-three miles in length and has thirteen gates upon it, including the one at the Licking bridge. The rates set forth in the table B, are not indentical with those in the schedule A. They vary however, but little, and are intended merely to test the soundness of the principle.

The Board have taken more than ordinary pains to arrive at the truth as to the usual weight of a load drawn by 1, 2, 3, 4, 5 and 6 horse power, respectively, upon the road alluded to; and they believe that the amount of loading, as specified in the table B, will be found as near the reality as practicable. Notwithstanding the reduction of existing rates upon the feeble, and augmentation thereof upon the strong power, the latter still retains the advantage over the former.

It is obvious that the proposed change will do much to remove the objection made to turnpikes by the farmers of the country. In most places the turnpikes are so located as to occupy the ancient route or right of way, which the farmers had been accustomed to use as freely as the air they breathed; and now, by reason of high tolls and rigid exactions upon their ordinary neighborhood business, with light and empty wagons and other vehicles, they are nearly excluded from the use of the turnpikes, and a monopoly of all the business done upon them secured to the strong power. Take away this monopoly—let the weaker power come into fair competition with the strong, and all the well founded prejudices of every community through which the turnpikes pass, will disappear.

Is it not singular that a monopoly, so very advantageous, should be secured to the heavy ladened wagons, which, more than any thing else, destroys the road? Yielding at the same time, a sum much too small to repair the damages.

The metal upon the face of the turnpikes, when fairly consolidated, forms a crust nearly as firm as the solid rock, and soon becomes impervious to the water. This crust varies from 5 to 8 or 9 inches in thickness—all light and empty wagons or carts pass over it, making little or no impression upon its face; whereas, the heavy loading indents and breaks this crust, permitting the water to penetrate and pass through it, saturating the soil beneath so as to render it unfit for the support of the metal.

The Board would give it as their opinion, that the injury done to the *old* and *well consolidated* turnpikes by the broad tread heavy wagon, is but little less than the injury done by the narrow tread, carrying the same weight. In wet weather it does less damage; in dry weather, as much if not more, especially after the road has been freshly repaired. The broad tread, bearing a load from 10 to 14,000 pounds, and passing over the broken rocks which lie upon the face of a hard dry road, crushes them at once into dust, which is swept off by winds or rain, having been of no possible benefit.

Upon the article of firewood, and all the marketing products of the farm, the Board recommend a reduction of the tolls considerably below the general standard. It is the policy adopted by some of our sister States, to make a discrimination in their rates of toll, favorable to the products of their own citizens. This is believed to be sound policy, and right in principle. Do this and grant to the various communities contiguous to the several gates, a release from the onerous and rigid exactions which are now, in some instances, imposed upon them for passing the nearest gate in their common every day intercourse, and the intelligent and patriotic farmers of Kentucky, will not only become reconciled to those improvements, but they will step forward with generous and manly cordiality, to give them their support; we shall soon hear but little of those recreant routes called *shunpikes*. The material for repairing will be furnished upon fair and reasonable terms, and a brighter sun will shine upon the future prospects of a more contented and happy people.

It will be seen by an examination of the accompanying schedule A, that in accordance with the same principle, the Board recommend that coaches of most capacity, and carrying the greatest number of passengers with their baggage, should be charged accordingly. We disclaim any wish to impose severe conditions upon the transportation of the mail. The mail proper, may be carried with at least as much safety and despatch in small as in large coaches. But there is no good reason why a monopoly of the transportation of persons, as now established, should be continued, to favor the latter class.

Besides, it is known that upon some of our roads, the mail coaches are much less than upon others, and carry comparatively but few persons. There can be no good reason these coaches should pay as much as those that run between the most populous points, carrying from 8 to 18 passengers.

It is notorious that the Post Office Department is more benefitted by the turnpikes than any other interest in the country. The same power can carry the same weight, in the same time, at least double the distance, and with much more safety than formerly. The wear and tear is less, and the mail can be carried much cheaper. Then why give to the contractors the benefit of such a monopoly in the transportation of travellers, including our own citizens, who are in the first place taxed to make and repair the road,

and then doubly taxed for travelling upon them, by reason of this monopoly? Introduce the necessary competition by a reduction of the tolls upon all light vehicles. Increase them upon the large in proportion to their capacity, and the number of persons transported, and much will be done, as well for the benefit of the road, as to save the travelling and business intercourse of the same country from a grinding imposition.

Let uniformity of rates be established upon the roads in the Commonmonwealth, in accordance with the principles herein suggested, and not permit the companies to vary those rates from 18¾ cents, to 62½ cents, and 75 cents, upon coaches of the same size, without regard to the number of passengers; correct similar discrepancies in the rates charged upon wagons and other vehicles; let equal justice be extended to the different sections of the State, and your improvements will become more popular, while your Sinking Fund will receive an increased amount from the proceeds.

The Board annex to this report the document marked C, copied from a communication received from A. M. January, one of the oldest commission merchants and most respectable citizens of Maysville, containing information, which, having been useful to themselves, they hope will be no less so to the Senate.

All which is respectfully submitted.

THOMAS METCALFE, *President.*
SAMUEL DAVIESS,
PETER DUDLEY.

A.

A schedule of the rates of toll to be charged on the different Turnpike Roads in which the State is a joint stockholder.

GENERAL TRAVELLING.

For every horse or mule and rider, when the gates do not exceed five miles apart—and in the same proportion for any distance—the exact rates to be furnished each gate keeper by the Companies, -	$0 06¼
For each horse, jack, or mule, led or driven, - - -	03
For each head of cattle, - - - - - -	02
For each head of hogs, - - - - - -	01
For every head of sheep, - - - - - -	00½
For every cart, wagon, barouche, dearborn, gig, or other vehicle drawn by one horse, - - - - -	12½
Same as last above, when drawn by two horses or oxen, -	20
For each family carriage or hackney coach, employed in the transportation of persons, drawn by two horses, - -	25
Same, having seats within for four passengers only, when drawn by four horses, - - - - - -	31¼
For each sleigh, drawn by one or two horses, - - -	12½
For each wagon, drawn by three horses, - - -	31¼
Do do four horses, - - -	50
Do do five horses, - - -	68¾
Do do six horses, - - -	87½

The above for common or narrow tire.

A—Continued.

Broad tread or tire.

For each wagon with four horses of 4 inch tread, and over, - 43¾
Do five horses, do do - 62½
Do six horses, do do - 75
For each coach or stage having seats within for 6 passengers only, 37½
Same, with seats within for nine passengers only, - - 56¼
Same, with seats within for twelve passengers only, and drawn by four horses, - - - - - - 75

Upon all the above vehicles, drawn by four horses, two cents in addition, for each passenger over four, to be paid by the owner of the coach, but which may be commuted for a definite sum.

Neighborhood travel and hauling with common tire or tread.

For each wagon or cart, loaded with grain, hay, or other products of the farm, when drawn by two horses or oxen, per trip, for going and returning, - - - - - - - $0 37½
Same, when drawn by three horses, per trip as above, - - 43¾
Do do four horses, do - - 56¼
Do do five horses, do - - 75
Do do six horses, do - - 1 00

Broad tread for neighborhood hauling.

For each wagon, loaded with wood, grain, hay, or other products of the farm, if drawn by four horses, per trip as above, 50
Same, drawn by five horses, - - - - - 62½
Same, drawn by six horses, - - - - - 87½

B.

No. of horses.	Amount of toll at each gate.	Amount of tolls paid at 13 gates from Maysville to Lexington.	Amount of tolls on each 100 lbs. from Maysville to Lexington.	Average weight of load.	Lowest price per 100lbs. for hauling from Maysville to Lexington.	Amount per load from Maysville to Lexington.	Net amount received after deducting tolls.
1	$0 10	$1 30	$0 2½	600 lbs	$0 50	$3 00	$1 70
2	20	2 60	15	1,800	50	9 00	6 40
3	37½	4 87½	13.3	3,500	50	17 50	12 62½
4	50	6 50	10.8	6,000	50	30 00	23 50
5	75	9 75	11⅔	7,500	50	37 50	27 75
6	1 00	13 00	13	10,000	50	50 00	37 00

C.

A table showing the weight carried by four and six horse teams from Maysville to Lexington, the number of days it took to perform the trip, and the price per hundred pounds.

	Four horse team.	Six horse team.	Number of days.	Price per hundred pounds.
March, 1819,	2,000	2,800	6	$1 25
September, 1819,	2,500	3,500	4	50
March, 1820,	2,000	2,700	6	1 12½
September, 1820,	2,200	3,200	4	1 00
March, 1821,	1,700	2,600	6	1 50
September, 1821,	2,400	3,800	4	75
March, 1822,	2,100	3,100	6	1 25
September, 1822,	2,400	3,700	4	75
March, 1823,	1,800	2,800	6	1 50
September, 1823,	2,300	3,500	4	1 00
March, 1824,	1,600	2,500	6	2 00
September, 1824,	2,500	3,500	4	87½
March, 1825,	1,800	2,600	6	1 25
September, 1825,	2,500	3,600	4	50
March, 1826,	1,800	2,700	6	1 50
September, 1826,	2,500	3,800	4	62½
March, 1827,	2,000	2,800	6	1 00
September, 1827,	2,500	3,300	4	50
March, 1828,	2,000	2,800	6	1 25
September, 1828,	2,500	3,300	4	50
March, 1829,	1,700	2,600	6	1 50
September, 1829,	2,400	3,600	4	62½
March, 1830,	1,700	2,500	6	1 50
September, 1830,	2,400	3,300	4	75

1831, 1832, 1833, and 1834, during the construction of the turnpike, about same as above.

1835 and 1836, before the turnpike was consolidated, from 6,000 to 7,000 was the usual load throughout the year for six horses, and 4,000 for four horses.

1837, 1838, 1839, 1840, and 1841, 6,000 to 7,000 for four horses—for six horses 9,000 to 11,000, occasionally 12,000 to 14,000. The latter, however, are extraordinary loads. From 1835, the year the turnpike was finished, the time to perform the trip to Lexington was *four* days allowed them

in their receipts; but after completed, in three and a half days. The price for hauling from 1835, to the present time, has been generally 62½ cents for dry goods, and 50 cents for heavy articles, such as salt, iron, nails, groceries, &c.

The time allowed to make the trip to Lexington and back, in the winter and spring months, previous to the construction of the turnpike, was from 14 to 15 days, including the days they loaded and unloaded; in the summer and fall, the same seasons, 10 days to make the trip. Since the turnpike has been completed 9 to 10 days, the year around, is the time required to make the trip to Lexington and back, including loading and unloading.

A message was received from the Governor by Mr. Harlan, Secretary of State, which is in the following words, viz:

To the Senate and House of Representatives:

I have received from the Governor of Georgia, with a request to lay the same before the General Assembly, which I now do, a report on the "state of the republic," accompanied by nineteen resolutions disapproving of the acts and proceedings of the late extra session of Congress, and against the creation of a National Bank.

R. P. LETCHER.

January 29, 1842.

GEORGIA LEGISLATURE, 1841.

Report of the committee on the state of the Republic.

The committee on the State of the Republic, have had before it the political condition of the country, both in its General and State relations, and have deemed it necessary to submit the views entertained, in the following preamble and resolutions to the General Assembly, and to ask for them its concurrence.

The committee believe that recent events develope an organized and systematic determination, of which significant indications were offered at the late extra session of Congress, to discard the principles and policy proper to be observed in the administration of the General Government.

Additional acquisitions of power, not contemplated or designed by the framers of the Constitution—repudiated by the republicans of '98 and 1800, and wholly unnecessary to the vigor and efficiency of the administration of the Government, are avowed as among the cherished objects of the new political reform. To such an administration of the General Government, the Republican party have been opposed from the adoption of the Constitution; and time and experience have added innumerable proofs of the correctness of their principles, and the importance of their continued ascendancy to secure the safety and integrity of the American Union, and the sovereignty of each of the States of which it is composed.

Although at different periods in the history of the country, their principles have received temporary checks, very soon the recuperative energies of a people determined to be free, have surmounted the barriers and given them success. Ambitious and designing men have sometimes risen to power, and by torturing the Constitution, have enacted laws reckless of the provisions or prohibitions of that sacred instrument; but their career has been limited; their obnoxious measures indignantly condemned; their partial and unequal enactments repealed; and the Government transferred from federal to republican hands. It lights up and brightens the patriot's hope that this Gov-

ernment will endure, when he remembers how short lived has been the domination of assumed and constructive powers, and how soon those principles which are based upon their limitation, and which recognize the Constitution as their only legitimate source, have been re-established by the triumphant verdict of the American people.

"Eternal vigilance," it is truly said, "is the price of liberty;" and it is only by the most unceasing zeal and laborious industry, rousing the latent republicanism of the land, and giving vigor to every movement, that so many and such signal victories have been achieved by the Republican party: enabling them to detect and expose the insiduous efforts of their opponents, first to mislead, and then to betray the people into the support of measures in direct hostility to their own rights, and calculated to devolve the most pernicious effects on the integrity and independence of the country.

The committee believe that a crisis has again arrived, sufficient to awaken the anxiety, excite the solicitude, and stimulate the exertions of every lover of free institutions and guarded limitations of power; and it is only by sounding the alarm in season, and apprising the people of the approaching and apprehended danger, that we may expect to arrest the evils which threaten the Republic, from the adoption of a system of measures at variance with the constitutional policy of the country, and fatal to the essential principles of our civil institutions.

A new administration, obtaining power by the most lavish promises of economy, retrenchment and reform, is scarcely in the possession of the ensigns of command, when its movements attract attention, and are sufficiently marked to afford cause for alarm to all acquainted with the elevated principles upon which the Government was founded, and competent to take an enlarged view of its political relations.

The convocation of Congress, and the motive alleged for that act, that of supplying an exhausted treasury, and the immediate introduction and adoption of measures tending to defeat the pretended purpose for which it was convened, by draining the treasury, furnishes abundant proof to every man not blinded by party zeal, or dazzled with the lust of power, of a secret and premeditated design to consummate a system of most objectionable measures, of which the people had received no notice, and that were carefully concealed during the progress of the Presidental canvass. No more conclusive evidence is requisite to establish the mischievious views of the dominant party, and their full appreciation of the odious and unpopular character of the measures they intended thus surreptitiously to fasten on the country, than the particular period selected for the convocation of the late extra session—at the close of one of the most animated political conflicts ever witnessed, and before time was given to allay the bad passions it had engendered. The specious and pretendedly imperative reasons assigned for its call, and the real motives so soon developed, and so totally different, however they may be viewed by honest, though mistaken party zeal, must and will receive the stern condemnation of impartial history.

The system of legislation adopted was scarcely less reprehensible than the measures submitted. The infringement of the right of debate in the House of Representatives, denying to it the character of a deliberative body; the rapid and indecent haste with which the most important laws, of the most searching and pervading character, were passed; the combinations and organizations so anti-republican in their character, and so dangerous in their

tendency, by which the support of one measure was made to depend upon that of another, thus securing the adoption of all—and the general unblushing and reckless management on the part of the majority, looking alone at the ends regardless of the means by which they were attained, have no parallel, it is believed, in the legislation of a people governed by a written constitution.

Not only have the rules of legislation adopted at the extra session of Congress—the character of the measures there proposed, and the unusual and extraordinary means resorted to, to secure their immediate passage—impressed with serious apprehensions the impartial individuals of every party, and led them to fear the introduction into the administration of the General Government of a spirit of persecution, of exclusiveness, and of despotic action, at variance with the wholesome rules of American policy; but these apprehensions have been immeasurably strengthened by bold avowals of a determination to render inefficient one of the important and independent departments of the General Government.

It is not within the recollection of thisc ommittee that, at any period since the formation of this Government, or at any moment even of the most embittered party excitement, when encouraged and elevated by the flattering prospect of wielding without control the power of the country, there has been even a wish expressed, much less a determination avowed, by those who composed a majority of one branch of the Government, to abridge and impair the constitutional powers of a co-ordinate department; and to obliterate one of those checks and balances which give strength and stability to our admirable political system, the preservation of each of which, with all its original powers and functions, can alone perpetuate the peace, harmony and integrity of the American confederacy.

Rallying under the deceptive and delusive declaration of "*the will of the nation, uncontrolled by the will of one man*," it is sought to concentrate all power in the hands of one branch. Shall we destroy the veto power because it is exercised by one man? If so, why not with the same propriety, and for equally cogent reasons, destroy the power of the judiciary? It is a power equal in its sphere to either of the other two, and, in its negative operations, sometimes greater than both, as it may render the law void which has received the sanction both of Congress and the Executive, and this too, by the casting vote of one man, a single Judge. In this organization of our political system, there is safety, there is stability, deriving its weight from experience and sound philosophy; and yet an attempt is now making to abolish this power, and give exclusive control to one branch of the Government, and that the least stable of the three—thus converting our admirable system, with its three separate and independent departments, each restraining the excesses and correcting the errors of the other—a system which has secured to us happiness and prosperity at home, and political importance abroad, into a mere shadow, where every crude opinion may have weight; where inexpedient measures may be adopted, by aid of some influential impulse, as sudden and as short as it is violent; and where a party, in periods of excitement, and governed by the prevailing delusions of the times, may urge measures in direct hostility to the solid interests of the people.

It has produced both regret and astonishment in the minds of this committee, that acquiescence in this step, which contemplates nothing less than

a radical change in our form of government, by a concentration of its powers in one branch, instead of a division, as we now have it, into three, should have been not only readily yielded, but to our astonishment recommended by a distinguished citizen of Georgia, the Hon. John McPherson Berrien, now holding the station of a Senator in Congress of the United States. This committee deny that, in the course this Senator has pursued respecting the abolition or modification of the veto power, he consulted the wishes, the interests, or opinions of the people of Georgia.

This committee believe also, that the same honorable Senator, in the support of the nomination of Mr. Everett, as Minister to England, consulted neither the good of the country, nor the feelings and interests of a vast majority of his constituents. The ground upon which opposition to that appointment is based, is believed by this committee to be a sound one, which, if it had been carried out by the rejection of Mr. Everett, would have exercised a salutary influence in allaying abolition movements, and thus have contributed both to the peace and security of the whole country.

It does indeed appear somewhat extraordinary to this committee, that while we are resisting the agitation of the abolition question in every form whatever, as unconstitutional, dangerous, and tending to the dissolution of our glorious Union, characterizing by the harshest epithets, all, who even by indirection, give to it the slightest countenance, a Southern Senator shold be found to contribute to the elevation of one so obnoxious to our feelings and so hostile to our interest, and particularly of an individual who has avowed his abolition principles, in their most imposing form and amplest extent.

This committee are compelled by an imperious sense of duty to express their unqualified disapprobation of the course of the honorable Senator upon the subject of a National Bank, and the bill to distribute the proceeds of the public lands among the States—the bankrupt bill, the revenue and loan bills, deeming the most of them unconstitutional, and all of them unjust, oppressive and highly injurious in their effects, affording indications not to be misunderstood, of the loose and dangerous constitutional opinions which he entertains.

While this committee are sensibly impressed with the wisdom of the Constitution in prescribing such tenure to office as may guard against sudden ebulitions of feeling, or the violence of party triumph, they feel themselves relieved from the delicate and responsible task of instruction, in accepting the invitation of the honorable Senator, in his address to the people of the United States, wherein he invokes the action of the legislative councils of the sovereign States of the Union. This committee, fresh from their immediate constituents, and latest in communication with them, humbly claim to have ascertained the public will in relation to those great questions upon which the Senator has invoked the expression of that will; and in obedience to the Senator's requisition upon the representatives of the people, to exert themselves to give it effect, they feel bound, for the information of the Senator, to condemn, in decided terms, the action of the honorable Senator upon all the great measures which are made the subject matter of this report. Nor can the committee entertain the opinion, so adverse to the candor of the Senator in seeking the information, that the invocation was made, on his part under any other determination than to regard as obligatory the expres-

sion of the public will, and to give effect to that expression, or to yield his place to one who will.

This committee cannot withhold the expression of their approbation of the Executive for his inflexible adherence to his constitutional opinions, under the most embarrassing circumstances, upon the subject of a Bank of the United States, by which the country has been spared yet longer from the blighting curse of a vast monied corporation, with power to sway the interests and control the business of the people of every section of this extended republic. And the measures adopted by the party to which the President is attached, to bring disgrace and disrespect upon their official head, for the conscientious performance of a public duty, are not the least among the alarming indications which, in the opinion of this committee, ought to excite the apprehensions and enlist the exertions of the people.

The attempt made to bring odium upon the Chief Magistrate, by contumely cast upon him in the Halls of Congress—in newspapers of his own political stamp, repudiating the officer whom they had elevated to power—proclaiming him unworthy of confidence, for an exercise of the very authority which he had always claimed, of repairing the breach in the Constitution whenever an opportunity offered, does exhibit a disregard of one of the departments of the Government—a contempt for the established institutions of the land, and a recklessness of party spirit, so pregnant with mischief, that, if not arrested, will relax attachment to the laws, engender dissensions pernicious and incurable, among the supporters of a wholesome government, and operate to the destruction of all moral and political obligations—wherefore,

1st. *Resolved*, That this general Assembly, speaking in behalf of the whole people of Georgia, declares it undiminished confidence in the confederated system, which forms the Government of the United States.

2d. *Resolved*, That the system, as it now stands, purely administered, will protect the rights, and secure the interests and happiness of the whole people of the United States.

3d. *Resolved*, That the powers expressly granted by the Constitution, and the exercise of those without which the granted powers cannot be carried into effect, are amply sufficient for all the purposes of an useful and efficient administration of our Government; leaving to the States all the reserved powers.

4th. *Resolved*, That the distribution of the powers of the General Government into three distinct and independent heads, Executive, Legislative and Judicial, affords evidence of the wisdom of the framers of the Constitution, and is the only safeguard of sectional rights, personal interests, and private property; and that the destruction or modification of the power of either, rendering it less independent or less efficient in its operation, would destroy the harmony and stability of our whole political system.

5th. *Resolved*, That we view the attempt now making to abolish the veto power of the Executive branch, as a dangerous attack upon the liberties of the people, and hostile to the first principles of a republican government.

6th. *Resolved*, That we deny the right of Congress to incorporate a Bank of the United States, by the name of a Fiscal agent, or a Fiscal Corporation, or by any other name, either in the District of Columbia, or in any of the States or any territory, with or without power to establish branches or

agencies, with or without the assent of the States, as being unauthorized by the letter and spirit of the Constitution, repudiated by the framers of that instrument, and as not necessary to collect, keep and disburse the public funds.

7th. *Resolved*, That the act for the distribution of the proceeds of the public lands among the States is unconstitutional, was intended to lead the way to the assumption of State debts, and to create a necessity for a protective tariff, and ought to be repealed.

8th. *Resolved*, That the system of legislation by which the success of one measure is made to depend upon that of another, is not only improper and dangerous, but affords conclusive proof of the obnoxious character of some, if not all, of the measures owing their success to a species of political barter.

9th. *Resolved*, That our Senators in Congress be instructed, and our representatives requested, to vote against the establishment of a United States Bank, in every aspect and by every name that it may be presented, and that they use their exertions to effect a repeal of the distribution bill, the bankrupt bill, and so to modify and reduce the loan bill and revenue bill, as to limit the sum raised for the support of government to an amount only which economy in the public service may require.

10th. *Resolved*, That the Honorable John McPherson Berrien, in requiring a modification of the veto power of the Executive of the United States, has acted without consultation with either of the political parties in Georgia, and against the known wishes of a vast majority of the people of this State.

11th. *Resolved*, That the opinions publicly proclaimed by Edward Everett, now Minister to England, of the power and the obligation of Congress to abolish slavery in the District of Columbia—to interdict the slave trade between the States, and to refuse the admission into the Union, of any Territory tolerating slavery, are unconstitutional in their character, subversive of the rights of the South, and if carried out, will destroy this Union. And that the Hon. John McPherson Berrien, in sustaining for an important appointment, an individual holding such obnoxious sentiments, has omitted a proper occasion to give an efficient check to such sentiments, and in so doing, has not truly represented the opinions or wishes of the people of Georgia, of either political party.

12th. *Resolved*, That in our opinion, the act passed by the present Congress at its late session, making a donation from the public treasury of $25,000 to Mrs. Harrison, is unconstitutional, unequal and oppressive, and calculated to lead to the establishment of a civil Pension List, which will eventually saddle the people of this country with an unjust and enormous debt.

13th. *Resolved*, That the bill passed by the same Congress, to borrow $12,000,000, for the National Treasury, was not necessary to supply the wants of the Federal Government, if economically administered.

14th. *Resolved*, That the repeal of the act establishing the Independent Treasury, was a positive injury inflicted by the majority that passed it, upon the best interest of this country.

15th. *Resolved*, That the Whig Tariff or Revenue Bill, passed by the same Congress; is unconstitutional, oppressive; partial and unjust, because it

was not needed to support a frugal administration of the General Government, and because it is protective and discriminating in its character.

16th. *Resolved*, That the appropriation for the Post Office Department was an unwise and prodigal expenditure of money, directly increasing the charges upon a treasury said to be already exhausted, and calculated to add additional weight to the burden of customs which now clog and encumber our foreign importations.

17th. *Resolved*, That the cost of the extra session itself, is a burden without necessity upon the people; and resolved, that the "Hour Rule" commonly called the "Gag Law"—and the rule which permitted a majority of the House of Representatives in the late extra Congress, to take a Bill out of Committee "without debate" were infringements upon, and a violation of the liberty of speech, and the right of the constituent to be heard through his Representative.

18th. *And therefore resolved*, That condemning as we do, the principle and expediency of these measures we unequivocally condemn and repudiate the party who thought proper to pass them upon the country.

19th. *Resolved*, That a copy of the foregoing preamble and resolutions, be forwarded by the Governor, to each of our Senators and Representatives in Congress; to the President of the United States, and to the Governors of each of the States of this Confederacy, to be laid before the Legislatures thereof.

In Senate, agreed to 30th November, 1841.

ROBERT M. ECHOLS,
President of the Senate.

Atteste—DAVID J. BAILEY, *Secretary.*

In House of Representatives, concurred in, 7th Dec. 1841.

WILLIAM B. WOFFORD,
Speaker House Representatives.

Atteste—JOSEPH STURGES, *Clerk.*

Approved December 14, 1841.

CHARLES J. McDONALD, *Governor.*

Ordered, That said message be referred to Messrs. Thomasson, Dixon and W. F. Bullock.

The House again resumed the consideration of the bill to regulate the salaries of certain officers of this Commonwealth, and to increase the resources of the Sinking Fund.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Mr. Clarke moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. R. Wickliffe, Jr., and Buford, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barbour,	Drake,	Paxton,
Barnett,	Fletcher,	Petree,
Basye,	Flournoy,	Prewitt,
Bowman,	Forman,	Rouse,
Bramlette,	Gaines,	Rumsey,
Brien,	Gholson,	Smith, B.
Browder,	Gilliam,	Smither,
Brown, T. D.	Graham,	Stone,
Bullock, E. I.	Harrison,	Swope,
Bullock, W. F.	Innes,	Thomasson,
Busby,	Ireland,	Thompson,
Carlisle,	Karrick,	Triplett,
Carpenter,	Kennedy, J.	Todd,
Chism,	Kennedy, W.	Vawter,
Chowning,	Kirtley,	Wand,
Chrisman, G. T.	Lykins,	Weir,
Chrisman, M. T.	Marshall, W. C.	Whaley,
Clarke,	Marshall, W. N.	White, D.
Coombs,	McKee,	White, J.
Conklin,	Morgan,	Wickliffe, R. L.
Conway,	Morin,	Wortham,
Cornish,	Noe,	Young—68.
Cummins,	Owsley,	

Those who voted in the negative, were—

Mr. Speaker,	Garnett,	McCann,
Messrs. Biggs,	Hays,	Nuttall,
Botts,	Holbrook,	Sanders,
Buford,	Jefferson,	Skiles,
Chambers,	Johnson, D. B.	Taylor,
Cox,	Johnson, R. M.	Vance,
Craddock,	Kinkead,	Wickliffe, R.
Dixon,	Lewis,	Wolfe—25.
Fible,		

The main question was then put—Shall the bill be engrossed and read a third time? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Nuttall and R. Wickliffe, Jr., were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barbour,	Cornish,	Owsley,
Barnett,	Cummins,	Paxton,
Basye,	Drake,	Petree,
Bowman,	Fletcher,	Prewitt,
Bramlette,	Gholson,	Rouse,
Brien,	Gilliam,	Rumsey,
Browder,	Graham,	Smith, B.

Brown, T. D.	Harrison,	Stone,
Bullock, E. I.	Innes,	Swope,
Busby,	Ireland,	Thompson,
Carlisle,	Johnson, D. B.	Triplett,
Carpenter,	Karrick,	Wand,
Chism,	Kennedy, J.	Weir,
Chowning,	Kennedy, W.	Whaley,
Chrisman, G. T.	Kirtley,	White, D.
Chrisman, M. T.	Marshall, W. N.	White, J.
Clarke,	McKee,	Wickliffe, R. L.
Coombs,	Morgan,	Wortham,
Conklin,	Morin,	Young—59.
Conway,	Noe,	

Those who voted in the negative, were—

Mr. Speaker,	Gaines,	Sanders,
Messrs. Biggs,	Garnett,	Skiles,
Botts,	Hays,	Smith, J. Speed
Buford,	Holbrook,	Smither,
Bullock, W. F.	Jefferson,	Taylor,
Chambers,	Johnson, R. M.	Thomasson,
Cox,	Kinkead,	Todd,
Craddock,	Lewis,	Vance,
Dixon,	Lykins,	Vawter,
Fible,	Marshall, W. C.	Wickliffe, R.
Flournoy,	McCann,	Wolfe—35.
Forman,	Nuttall,	

On motion of Mr. W. N. Marshall,

Ordered, That said bill have its third reading on this day.

The said bill was accordingly read a third time.

Mr. Buford moved to amend said bill by adding thereto the following engrossed clause by, way of ryder, viz:

Be it further resolved, That hereafter, the members of the General Assembly shall receive, by way of compensation, two dollars per day, besides the mileage now allowed by law.

Mr. Clarke then moved the provious question.

The question was then taken—Shall the main question be now put? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Buford and D. B. Johnson, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barnett,	Drake,	Paxton,
Basye,	Garnett,	Petree,
Bowman,	Gholson,	Prewitt,
Brien,	Gilliam,	Rumsey,
Browder,	Innes,	Smith, B.

Brown, T. D.	Ireland,	Stone,
Bullock, E. I.	Johnson, D. B.	Swope,
Busby,	Karrick,	Thompson,
Carlisle,	Kennedy, J.	Triplett,
Carpenter,	Kennedy, W.	Wand,
Chowning,	Kirtley,	Weir,
Chrisman, G. T.	Marshall, W. N.	Whaley,
Chrisman, M. T.	McKee,	White, J.
Coombs,	Martin,	Wickliffe, R. L.
Conklin,	Morgan,	Wortham,
Cornish,	Morin,	Young—50.
Cummins,	Owsley,	

Those who voted in the negative, were—

Mr. Speaker,	Fletcher,	Noe,
Messrs. Barbour,	Flournoy,	Nuttall,
Biggs,	Forman,	Rouse,
Botts,	Gaines,	Sanders,
Bramlette,	Graham,	Skiles,
Buford,	Harrison,	Smith, J. Speed
Bullock, W. F.	Hays,	Smither,
Chambers,	Holbrook,	Taylor,
Chism,	Jefferson,	Thomasson,
Clarke,	Johnson, R. M.	Todd,
Conway,	Kinkead,	Vance,
Cox,	Lewis,	Vawter,
Craddock,	Lykins,	White, D.
Dixon,	Marshall, W. C.	Wickliffe, R.
Fible,	McCann,	Wolfe—45.

The main question was then put—Shall the bill pass? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Conklin and Nuttall, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barbour,	Cummins,	Owsley,
Barnett,	Fletcher,	Paxton,
Basye,	Gholson,	Petree,
Bowman,	Gilliam,	Prewitt,
Bramlette,	Graham.	Rouse,
Brien,	Harrison,	Rumsey,
Browder,	Innes,	Smith, B.
Brown, T. D.	Ireland,	Stone,
Bullock, E. I.	Johnson, D. B.	Swope,
Busby,	Karrick,	Thompson,
Carlisle,	Kennedy, J.	Triplett,
Carpenter,	Kennedy, W.	Wand,
Chism,	Kirtley,	Weir,
Chowning,	Marshall, W. N.	Whaley,

Chrisman, G. T.	McKee,	White, D.
Chrisman, M. T.	Martin,	White, J.
Clarke,	Morgan,	Wickliffe, R. L.
Conklin,	Morin,	Wortham,
Conway,	Noe,	Young—58.
Cornish,		

Those who voted in the negative, were—

Mr. Speaker,	Forman,	Nuttall,
Messrs. Biggs,	Gaines,	Sanders,
Botts,	Garnett,	Skiles,
Buford,	Hays,	Smith, J. Speed
Bullock, W. F.	Holbrook,	Smither,
Chambers,	Jefferson,	Taylor,
Coombs,	Johnson, R. M.	Thomasson,
Cox,	Kinkead,	Todd,
Craddock,	Lewis,	Vance,
Dixon,	Lykins,	Vawter,
Drake,	Marshall, W. C.	Wickliffe, R.
Fible,	McCann,	Wolfe—37.
Flournoy,		

Resolved, That the title thereof be as aforesaid.

Mr. Vance, from the joint committee on the Public Printing, made the following report, to wit:

The joint committee on the Public Printing have had that subject under consideration, and ask leave to submit the following report:

In the discharge of the duties which your committee deemed incumbent upon them, their attention was first called to enquire, whether there exits any law fixing the price of this branch of the public service? Your committee, after diligent enquiry, have been unable to find any law establishing the prices for the Public Printing. In making this statement, they feel it their duty to say, that their attention has been called to a resolution which was adopted in the Senate, January 23, 1809, providing a bill of prices by which the Public Printer, or Printers, shall be hereafter settled with, exclusive of paper; said resoulution was, on the next day (24th January, 1809,) concurred in by the House of Representatives. As the above resolution was not to be found in the acts of the General Assembly of that session, your committee were induced to believe that it had not been laid before the Governor for his approval. They have caused the enrolled bills of that session to be laid before them; said resolution is not to be found amongst the resolutions approved at that session of the General Assembly. The resolution, above referred to, not having been approved by the Governor, cannot be recognized as having the force and effect of a law. The 26th section of the 3d article of the Constitution, is in the following words:

"Every order, resolution, or vote, to which the concurrence of both houses may be necessary, except on a question of adjournment, shall be presented to the Governor; and, before it shall take effect, be approved by him; or, being disapproved, shall be re-passed by a majority of all the members

elected to both houses, according to the rules and limitations prescribed in case of a bill."

By reference to the Journals of 1824, your committee found a report made to the General Assembly by a committee of the two Houses, stating that the prices of the Public Printing were reduced as low as competition could reduce them in 1808, from which period they had remained uniform up to that time. Since that time, according to the evidence before your committee, the prices have remained the same, with the exception of token work. The prices as fixed by the resolution aforesaid, was for executing a token of paper at press, in all and every instance, 50 cents; and that was the price charged by the Public Printers until a larger size of paper was used. One page of our present Journals contains 1782 ems, and one page of the former Journals contained only 1323 ems. Since the large sized paper has been used, the Public Printer has charged 75 cents per token, but it should be borne in mind, that the same quantity of matter is now furnished for the same money.

It appears from the statement of the present Public Printer, that he has been unapprized of the resolution of 1808, and has been governed by the prices as fixed by his predecessors, which were sanctioned in the report of 1824, before alluded to, as being in accordance with the resolution of January 24th, 1809. Your committee ask further time to investigate this matter, and to enable them to prepare and report a bill of prices by which the Public Printing shall hereafter be done, would recommend a further postponement of the election of Public Printer.

THO. JAMES,
Chairman committee Senate.
WM. R. VANCE,
Chairman committee of H. R.

A message was received from the Senate announcing that they had adopted a resolution to postpone the election of public officers.

The said resolution was then taken up, twice read, and concurred in.

Mr. McKee read and laid on the table the following joint resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That when they adjourn on the 21st day of February, they will adjourn *sine die.*

Mr. McKee read and laid on the table the following joint resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators and Representatives in Congress be requested to use their best exertions so to amend the tariff as to permit the importation of French wines and silks, and English wollen and cotton fabrics into the United States, subject to the same rates of duty as tobacco is permitted to be introduced into the ports of France and England.

Mr. McKee moved the following resolution, viz:

Resolved, That a select committee be appointed to enquire into the expediency of taking from the County Courts jurisdiction in cases of wills, intestates and infants' estates, and establishing Courts of Probate in this Commonwealth; and that they report by bill or otherwise.

Which being twice read was adopted.

Whereupon Messrs. McKee, Thomasson, M. T. Chrisman, E. I. Bullock and Nuttall, were appointed said committee.

Mr. Conway moved the following resolution, viz:

WHEREAS, it is the general and prevailing opinion of the good people of this Commonwealth, who value the blessings of liberty, and are desirous of the permanent and solid prosperity of their State, that it would not only be unwise, but unjust and inexpedient, to grant appropriations of money to construct new works of Internal Improvement—therefore,

Resolved, That the committee on Internal Improvement be instructed to report unfavorable to all applications that may be made for appropriations of money to construct new works of Internal Improvement.

Which being twice read was adopted.

On motion of Mr. Craddock,

Resolved, That the committee on Military Affairs be instructed to enquire into the expediency of amending the law in relation to the preservation of the public arms of this Commonwealth.

Mr. Hays moved the following resolution, viz:

Resolved, That the committee on Internal Improvement be instructed to enquire into the expediency of authorizing the Governor to negotiate a sale of the Lexington and Ohio Railroad.

Which being twice read was rejected.

A message was received from the Senate, by Mr. Hughes, asking leave to withdraw their report announcing their disagreement to a bill from this House, entitled, an act for the divorce of Aaron Allison—which was granted, and the bill withdrawn.

Leave was given to bring in the following bills, viz:

On motion of Mr. McKee—1. A bill for the benefit of the Clerk of the Garrard County Court.

On motion of same—2. A bill to preseve the records of the Circuit and County Courts, and further to guard against loss of papers filed in the several offices of said courts.

On motion of same—3. A bill to amend the law in relation to conveyances by husband and wife, of the estate of the wife.

On motion of same—4. A bill to regulate the courts of the 9th judicial district, and to alter the time of holding the Mercer Circuit Court.

On motion of same—5. A bill to regulate the collection of the county levies, and the mode of settling with the collectors of the same.

On motion of same—6. A bill to amend the law in relation to the emancipation of slaves.

On motion of same—7. A bill to amend the law in relation to marriage license.

On motion of same—8. A bill to reduce the pay of the members of the Legislature.

On motion of Mr. W. N. Marshall—9. A bill to amend an act, entitled, an act appropriating six thousand acres of land, west of the Tennessee river, for the erection of a bridge across Pittman's creek, in Green county.

On motion of Mr. Barnett—10. A bill to amend the law regulating proceedings in the County Courts of this Commonwealth against delinquents who fail to give in a list of their property for taxation.

On motion of Mr. Ireland—11. A bill to amend the act, entitled, an act to establish a State road from Landing, in Boone county, to intersect the Covington and Lexington turnpike road, in Grant county.

On motion of Mr. T. D. Brown—12. A bill authorizing a reduction of the State bonds, hereafter to be issued, for Internal Improvement purposes.

On motion of Mr. Conway—13. A bill to incorporate a company to build a bridge across Salt river at its mouth, and for other purposes.

On motion of Mr. Dixon—14. A bill to incorporate the Trustees of the Henderson College.

On motion of Mr. Nuttall—15. A bill to repeal an act to authorize purchasers of tobacco to export the same without inspection, approved December 21, 1825.

On motion of same—16. A bill to repeal all laws which provide for the appointment of Constables in and for Henry county, and for other purposes.

On motion of Mr. Craddock—17. A bill to amend the law prohibiting the importation of slaves into this Commonwealth.

On motion of same—18. A bill to amend the charter of the Louisville and Nashville turnpike road.

On motion of same—19. A bill to amend the law in relation to County Courts.

On motion of Mr. Vance—20. A bill for the benefit of William McCauley and others.

On motion of same—21. A bill for the benefit of the Sheriff of Anderson county.

On motion of Mr. Thomasson—22. A bill to amend the penal laws.

On motion of Mr. Carlisle—23. A bill to amend the road law in Kenton county.

On motion of same—24. A bill to authorize the County Court of Kenton to appoint commissioners to convey lots in the town of Independence.

On motion of Mr. Hays—25. A bill to establish a Board of Physicians in the State of Kentucky.

On motion of Mr. Buford—26. A bill to authorize the Board of Internal Improvement to expend the funds appropriated by the act of the last session, for the improvement of the Crab Orchard and Cumberland Gap turnpike road.

On motion of same—27. A bill preventing the sale of personal and real estate, unless it shall sell for two thirds of its value.

On motion of Mr. Gilliam—28. A bill to incorporate the town of Smithland, and for other purposes.

On motion of same—29. A bill to endow an Academy in the town of Smithland, and for other purposes.

On motion of Mr. Holbrook—30. A bill authorizing the depositions of witnesses to be taken in action at law, in cases in which the witnesses reside at a greater distance than thirty miles.

On motion of same—31. A bill to amend an act, entitled, an act to amend an act to establish a system of common schools in the State of Kentucky, approved February 23, 1839.

On motion of same—32. A bill to change the place of voting in the Laurel fork election precinct in the county of Lewis.

On motion of Mr. J. Speed Smith—33. A bill for the benefit of the heirs of Edmund Eldridge.

On motion of same—34. A bill for the benefit of the Sheriff of Breathitt county.

On motion of same—35. A bill for the benefit of Allen Gudgel, and his deputies, late Sheriff of Bath county.

On motion of Mr. Jefferson—36. A bill for the benefit of the 15th regiment of Kentucky militia.

On motion of Mr. Cornish—37. A bill to repeal an act, amendatory of an act incorporating the town of Harrodsburg, and for other purposes.

On motion of same—38. A bill to repeal an act, in part, declaring Dick's river navigable, and for other purposes.

On motion of Mr. Chism—39. A bill for the benefit of Leonard B. Johnson.

On motion of Mr. Barbour—40. A bill in relation to County Courts, and for other purposes.

On motion of Mr. Weir—41. A bill to increase the resources of the Sinking Fund, and for other purposes.

On motion of Mr. Lykins—42. A bill to extend the Constable's district in the town of Breathitt, and for other purposes.

On motion of Mr. Fletcher—43. A bill to incorporate the Paducah Baptist Church.

On motion of same—44. A bill to incorporate the Paducah Methodist Episcopal Church.

On motion of same—45. A bill concerning the Board of Internal Improvement for the county of McCraken.

On motion of Mr. R. L. Wickliffe—46. A bill allowing John Hatcher, Harvey Stratton, and others, to make certain changes of the road leading from Mt. Sterling to the Virginia line.

On motion of same—47. A bill to amend the law in relation to dower in slaves and real estate.

On motion of same—48. A bill to establish a State from opposite Madison, on the Ohio river, through Bedford in Trimble county, Burksville in Cumberland county, &c., to the Tennessee line.

On motion of same—49. A bill to legalize the marriage of James Lashbrook and Nancy Burkhead.

On motion of Mr. Kirtley—50. A bill to change the time of holding the Rockcastle Circuit Court.

On motion of Mr. E. I. Bullock—51. A bill for the appointment of Commissioners, in the several Sates of this Union, for the purpose of taking depositions, and for other purposes.

On motion of same—52. A bill to allow non-resident guardians and wards to remove property from this Commonwealth, under certain restrictions and regulations.

On motion of same—53. A bill to establish a State road from Liberty, through Russell county, to Albany, in Clinton county.

On motion of same—54. A bill for the benefit of Lucy B. Green.

On motion of same—55. A bill to allow Morehead and Brown's Digest to William Purdam, a Justice of the Peace for Casey county.

On motion of same—56. A bill to incorporate the Methodist Episcopal Church, and Masonic Hall, in the town of Hardinsburg.

On motion of same—57. A bill for the benefit of Rebecca A. Wilkerson.

On motion of Mr. Skiles—58. A bill to amend the act providing for the distribution and preservation of the public law books.

On motion of Mr. M. T. Chrisman—59. A bill to enlarge the Constable's district of the town of Monticello.

On motion of same—60. A bill to amend the law settling the accounts of executors and administrators.

On motion of same—61. A bill for the benefit of the Constable in the district of Sovreign Popplewell, a Justice of the Peace in Wayne county.

On motion of Mr. Thompson—62. A bill to restrict County Courts in allowing claims against their counties.

On motion of same—63. A bill to amend the law in relation to the compensation of commissioners of tax.

On motion of Mr. Cummins—64. A bill to amend the law in relation to Constables, and for other purposes.

On motion of Mr. W. C. Marshall—65. A bill for the benefit of John Stroube, a Justice of the Peace for Bracken county.

On motion of Mr. Harrison—66. A bill to repeal an act to increase the powers of the Christian County Court, and to increase the powers of the Trustees of the town of Hopkinsville.

On motion of same—67. A bill to amend the several acts incorporating the Henderson, Madisonville and Hopkinsville turnpike road company, and for other purposes.

On motion of Mr. D. White—68. A bill to regulate the mode of voting at the several election precincts on the waters of the Middle Fork, in Clay and Perry counties.

On motion of same—69. A bill to establish a road from the mouth of Bly's creek, in Perry county, up the Middle Fork to the mouth of Stinnett creek, in Clay county.

On motion of Mr. Sanders—70. A bill to regulate the fees of Jailers in cases of *habeas corpus.*

On motion of Mr. Morin—71. A bill to amend the law in relation to roads in the county of Campbell.

On motion of same—72. A bill to prevent the sale of ardent spirits, or fermented liquor, to soldiers of the United States army, in this Commonwealth.

On motion of Mr. Triplett—73. A bill to enlarge and define the powers of the Trustees of the town of Owensboro'.

On motion of Mr. Stone—74. A bill to amend the several acts exempting certain property from sale under execution.

On motion of Mr. Botts—75. A bill for the benefit of the Clerk of the Fleming County Court.

On motion of Mr. R. Wickliffe, Jr.—76. A bill to reduce into one, and digest and amend the acts and amendatory acts, incorporating the city of Lexington.

Ordered, That the committee for Courts of Justice prepare and bring in the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 10th, 15th, 16th, 17th, 19th, 22d, 24th, 27th, 30th, 33d, 47th, 50th, 51st, 52d, 60th, 70th, 72d and 76th; Messrs. McKee, Weir and Clarke the 8th; Messrs. W. N. Marshall, B. Smith and Barnett the 9th; the committee on Internal Improvement the 11th, 18th, 23d, 26th, 45th, 46th, 48th, 69th and 71st; Messrs. T. D. Brown, E. I. Bullock, Conway and Craddock the 12th; Messrs. Conway, T. D. Brown and Craddock the 13th; the committee on Religion the 14th, 43d, 44th, 49th and 57th; the committee on Ways and Means the 20th, 21st, 34th and 35th; Messrs. Hays, G. T. Chrisman, Basye and Innes the 25th; Messrs. Gilliam, Dixon and Lewis the 28th; Messrs. Gilliam, Barbour and Clarke the 29th; the committee on Education the 31st; the committee on Military Affairs the 36th; Messrs. Holbrook, Biggs and Jefferson the 32d; Messrs. Cornish, Owsley, McKee and Munday the 37th and 38th; Messrs. Chism, Garnett, M. T. Chrisman and Bramlette the 39th; Messrs. Barbour, J. Kennedy and Flournoy the 40th; Messrs. Weir, McKee, Gholson, Triplett and Rumsey the 41st; Messrs. Lykins, Martin and Hays the

42d; Messrs. E. I. Bullock, Bramlette and Bowman the 53d; Messrs. E. I. Bullock, Bramlette and M. T. Chrisman the 54th; Messrs. E. I. Bullock, Carpenter and Bowman the 55th; Messrs. E. I. Bullock, Rumsey and Smither the 56th; Messrs. Skiles, Lewis, Harrison and Flournoy the 58th; Messrs. M. T. Chrisman, Bramlette and Chism the 59th and 61st; Messrs. Thompson, G. T. Chrisman and Whaley the 62d; Messrs. Thompson, Prewitt and Drake the 63d; Messrs. Cummins, B. Smith and Stone the 64th; Messrs. W. C. Marshall, Botts and Whaley the 65th; Messrs. Harrison, Gholson and Gaines the 66th; Messrs. Harrison, Gholson and Dixon the 67th; the Committee on Privileges and Elections the 68th; Messrs. Triplett, Rumsey and Weir the 73; Messrs. Stone, J. Speed Smith and Munday the 74th; Messrs. Botts, W. C. Marshall and Forman the 75th.

Mr. Thompson moved the following resolution, viz:

Resolved, That the Board of Internal Improvement furnish this House, as soon as practicable, with copies of all unfinished contracts entered into for the improvement of the navigation of the Kentucky river; and also, copies of all unfinished contracts entered into for the improvement of the navigation of Licking River; and likewise, copies of all unfinished contracts entered into for the improvement of the navigation of Green river.

Which being twice read was adopted.

Mr. Thompson moved the following resolution, viz:

Resolved, That the committee on Internal Improvement be instructed to enquire into the justice and expediency of so providing by law that the tolls on the various turnpike roads in this Commonwealth, charged upon wagons and other vehicles, shall be regulated and charged in proportion to weight, and the number of horses.

Which being twice read was adopted.

Mr. Botts moved the following resolution, viz:

Resolved, That the committee on Banks be instructed to enquire into the expediency of employing, on behalf the State, one or more suitable persons, whose duty it shall be, during the recess of the Legislature, to examine into the condition of the respective Banks of this Commonwealth, and report thereon to the next General Assembly the amount of issues of the respective Banks in the year 1836, and the amount of specie in the vaults of said Banks at that period; also, the amount of issues, and the specie in the vaults, for each respective year since that period; the amount of the discount and bill lines of the respective Banks in the year 1836, and the amount thereof respectively for each succeeding year since that period; together with such other information as said committee may deem important, and report by bill or otherwise.

Which being twice read was rejected.

Mr. R. Wicklffe, Jr., moved the following resolution, viz:

Resolved, That the committee on Banks be instructed to enquire into the expediency of appointing, by law, a superintendent of Banks, whose salary shall yearly be ———, and whose duty shall be to examine and investigate the condition and business of the several Banks of this Com-

monwealth, both principal and branches; and make an annual report thereof to the General Assembly.

And the question being taken on the adoption thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. R. Wickliffe, Jr. and Botts, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Conway,	Stone,
Messrs. Botts,	Cox,	Taylor,
Bowman,	Cummins,	Todd,
Bramlette,	Fible,	Vawter,
Brien,	Flournoy,	Weir,
Bullock, W. F.	Harrison,	White, D.
Busby,	Hays,	White, J.
Carpenter,	Jefferson,	Wickliffe, R.
Chambers,	Kirtley,	Wickliffe, R. L.
Chism,	McCann,	Wortham,
Chrisman, M. T.	Morin,	Young—35.
Conklin,	Sanders,	

Those who voted in the negative, were—

Messrs. Barbour,	Gholson,	Owsley,
Barnett,	Holbrook,	Prewitt,
Basye,	Innes,	Thomasson,
Browder,	Ireland,	Thompson,
Cornish,	Lykins,	Triplett,
Craddock,	Marshall, W. C.	Vance,
Fletcher,	McKee,	Whaley,
Forman,	Morgan,	Wolfe—25.
Garnett,		

Mr. W. C. Marshall at 25 minutes past 2 o'clock, P. M., moved that the House adjourn.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Fletcher and W. C. Marshall, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Botts,	Holbrook,	Morgan,
Brien,	Innes,	Vance,
Fible,	Marshall, W. C.	Wand,
Hays,	Martin,	Whaley—12.

Those who voted in the negative, were—

Mr. Speaker,	Cummins,	Rumsey,
Messrs. Barbour,	Drake,	Sanders,
Barnett,	Fletcher,	Skiles,

Bowman,	Flournoy,	Smith, B.
Bramlette,	Garnett,	Smither,
Bullock, E. I.	Gholson,	Stone,
Bullock, W. F.	Harrison,	Taylor,
Busby,	Ireland,	Thomasson,
Carlisle,	Jefferson,	Thompson,
Carpenter,	Johnson, D. B.	Triplett,
Chambers,	Kirtley,	Todd,
Chism,	Lykins,	Vawter,
Chowning,	McCann,	White, D.
Chrisman, M. T.	McKee,	White, J.
Conklin,	Morin,	Wickliffe, R.
Conway,	Owsley,	Wickliffe, R. L.
Cornish,	Prewitt,	Wortham,
Cox,	Rouse,	Young—54.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. W. N. Marshall—1. A bill to change the time of commencing the August term of the Green Circuit Court.

By Mr. Nuttall—2. A bill to regulate the right of suffrage, and to protect the elective franchise.

By Mr. Vance—3. A bill for the benefit of the Coroner and Surveyor of Greenup county.

By Mr. Thomasson—4. A bill for the benefit of the Administrator and Securities of Richard Oldham, dec'd.

By Mr. Holbrook—5. A bill to establish the county lines between the counties of Greenup, Carter and Lawrence.

By Mr. W. F. Bullock—6. A bill to change the mode of capital punishment in the State of Kentucky.

By Mr. Jefferson—7. A bill to bound the Germantown election precinct, in the county of Mason.

By Mr. Barbour—8. A bill to amend the laws in relation to divorces.

By Mr. Fletcher—9. A bill authorizing the taking of depositions in certain cases in the General Court of Kentucky.

By Mr. R. L. Wickliffe—10. A bill to amend an act, entitled, an act for the benefit of E. Barnes, Peter Able, P. C. Slaughter, Z. Wilcox, and others.

By Mr. Rumsey—11. A bill for the benefit of the Sheriff of Ohio county.

By same—12. A bill to amend the law requiring Justices of the Peace to report to the Circuit Courts concerning fines and forfeitures.

By Mr. B. Smith—13. A bill for the benefit of the town of Somerset.

By same—14. A bill to change the names of the children of Rachel W. Stegall.

By same—15. A bill amending the law authorizing John M. Weddell to lay off a town on his lands, and for other purposes.

By Mr. Drake—16. A bill to incorporate the Six Mile Academy, near Christiansburg, in Shelby county.

By Mr. D. B. Johnson—17. A bill authorizing the lease or purchase of a lot of ground for the use of the Penitentiary.

By Mr. Young—18. A bill for the benefit of Willis Roberts.

By Mr. Vawter—19. A bill to change the name of the Boone Academy, and for other purposes.

By Mr. Triplett—20. A bill to authorize the County Court of Daviess to change the location of a State road.

By Mr. R. Wickliffe, Jr.—21. A bill concerning the Lexington and Ohio Railroad.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 3d, 4th, 5th, 7th, 10th, 11th, 13th, 14th, 15th, 16th, 17th and 20th bills were severally ordered to be engrossed and read a third time; the 6th, 8th, 9th, 12th, 18th and 19th were referred to the committee for Courts of Justice, and the 21st was referred to a committee of the whole House for Friday next.

The rule of the House, constitutional provision and third reading of the 1st, 3d, 4th, 5th, 7th, 10th, 11th, 13th, 14th, 15th, 16th, 17th and 20th bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Public Printer forthwith print 150 copies of the 2d and 21st bills for the use of the members of the General Assembly.

Mr. Chism, from the select committee appointed to prepare and bring in the same, reported a bill for the benefit of the Sheriff of Monroe county—which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Mr. Brien moved an amendment to said bill, which was concurred in.

Ordered, That said bill, as amended, be referred to the committee on Ways and Means.

Mr. Botts, from the select committee to whom was referred a bill from the Senate, entitled, an act for the benefit of the widow and infant children of Benjamin Hart, deceased—reported the same without amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Innes, at half past 4 o'clock P. M. moved that the House adjourn.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. W. C. Marshall and Botts, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Gholson,	Sanders,
Messrs. Barbour,	Harrison,	Stone,
Barnett,	Holbrook,	Taylor,
Bowman,	Innes,	Thomasson,
Bullock, W. F.	Ireland,	Thompson,
Busby,	Jefferson,	Todd,
Chrisman, M. T.	Kirtley,	Vance,
Conklin,	Lykins,	Vawter,
Cox,	McCann,	Whaley,
Cummins,	Morgan,	White, J.
Flournoy,	Morin,	Wortham—35.
Forman,	Prewitt,	

Those who voted in the negative, were—

Messrs. Basye,	Craddock,	Smith, B.
Botts,	Fible,	Triplett,
Bramlette,	Fletcher,	Weir,
Brien,	Garnett,	White, D.
Browder,	Hays,	Wickliffe, R.
Carpenter,	Marshall, W. C.	Wickliffe, R. L.
Chambers,	McKee,	Wolfe,
Chism,	Owsley,	Young—25.
Cornish,		

MONDAY, JANUARY 31, 1842.

A messsage was received from the Senate announcing their disagreement to a bill from this House, entitled, an act for the benefit of Aaron Allison.

That they had passed bills from this House of the following titles, viz:

An act for the divorce of Mary Jane Owen.

An act for the divorce of Willis Isbell.

An act for the benefit of Temple G. and Sophia Priest.

That they had passsd bills of the following titles, viz:

An act for the divorce of William Fenwick.

An act for the benefit of Samuel Lawler.

An act for the divorce of Catharine Pepper, and to change her name.

An act for the benefit of John W. Hickman.

1. Mr. Ireland presented the petition of sundry citizens of Grant county, praying the establishment of a Commonwealth's Bank.

2. Mr. Innes presented the petition of A. Rawlings, praying the passage of a law permitting him to erect a temporary dam across Licking river.

3. Mr. Gaines presented the petition of sundry citizens of the county of Anderson, praying the repeal of the law establishing gates on the Franklin and Crab Orchard road, near the town of Lawrenceburg.

4. Mr. Barnett presented the petition of Andrew Barnett, praying the establishment of a ferry across Green river, in Green county.

5. Mr. Buford presented the petition Hiram Johnson, praying that the name of Eliza Wilson Newton may be changed to that of Eliza Wilson Johnson.

6. Mr. Thompson presented the petition of sundry citizens of Bullitt county, praying that permission be given to Richard Crutchfield, Sr., to build a fish dam across Salt river.

7. Mr. Barbour presented the petition of Thomas Williams, praying compensation for taking care of and supporting Henry Williams, an Idiot.

8. Mr. Lewis presented the petition of sundry citizens of the county and town of Hickman, praying the passage of a law giving to mechanics liens for work done by them.

9. Mr. Morin presented the petition of Elizabeth Pryor, praying to be divorced from her husband, John Pryer.

10. Mr. D. B. Johnson presented the petition of the Trimble County Court, praying a change in the time of holding said court.

Which petitions were severally received, the reading thereof dispensed with, and referred—the 1st to Messrs. Nuttall, Craddock, Barbour, Sanders, T. D. Brown, Triplett, Conklin, Bramlette and E. I. Bullock; the 2d and 6th to the committee on Internal Improvement; the 3d, 5th and 8th to the committee for Courts of Justice; the 4th to the committee on Propositions and Grievances; the 7th to the commtttee on Claims; the 9th to the committee on Religion; the 10th to Messrs. D. B. Johnson, Botts and Carlisle.

Messrs. Garnett and Holbrook were appointed a committee, on the part of this House, to settle the accounts of the Board of Green and Barren River Commissioners.

Mr. Thomasson, from the committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of Hopkins, Henderson and Union, asked to be discharged from the further consideration thereof—which was granted.

Mr. Triplett from the committee on Enrollments, reported that the committee had examined sundry enrolled bills and a resolution which origin-

ated in the Senate, of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of William M. and Eleanor Griggs.

An act for the benefit of George M. Lambert.

An act to allow Jonathan Davidson a change of venue.

An act to incorporate the Trustees of Clay Village Seminary.

An act to authorize and enable the city of Louisville to erect Water Works.

An act for the benefit of Juliet Henry, executrix of Mathis W. Henry, deceased.

An act to amend an act, entitled, an act to incorporate the Louisville Gas and Water Company.

An act for the benefit of Wilson M. Taylor's heirs.

An act for the benefit of the President, Managers and Company of the Lexington, Harrodsburg and Perryville Turnpike Road Company.

A resolution to appoint a committee to settle the accounts of the Board of Green and Barren river Commissioners.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Triplett inform the Senate thereof.

The following bills were reported by the committee on Propositions and Grievances, viz:

1. A bill to establish the county of Ballard.
2. A bill to establish the county of Letcher.
3. A bill vacating certain lots in the town of Canton.
4. A bill to vacate a part of the town of Westport, and for other purposes.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with,

Ordered, That said bills be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the 1st, 3d and 4th bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Thomasson, from the committee on Propositions and Grievances, reported a bill to establish the county of Marshall—which was read the first time and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

The question was then put on engrossing and reading said bill a third time; and after some discussion had thereon, the hour of 12 o'clock arrived, when the House proceeded to the orders of the day.

An engrossed bill, entitled, an act to establish the county of Boyle, and for other purposes, was read a third time.

Mr. McKee moved to lay said bill on the table until the the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. McKee and Nuttall, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Garnett,	Owsley,
Messrs. Barnett,	Graham.	Petree,
Basye,	Ireland,	Sanders,
Biggs,	Jefferson,	Swope,
Bowman,	Johnson, R. M.	Taylor,
Brown, J. S.	Kennedy, J.	Thomasson,
Carlisle,	Kennedy, W.	Thompson,
Chowning,	Kirtley,	Triplett,
Clarke,	Lykins,	Welch,
Coombs,	Marshall, W. N.	White, D.
Conway,	McCann,	White, J.
Cornish,	McKee,	Wickliffe, R.
Cox,	Martin,	Wickliffe, R. L.
Flournoy,	Noe,	Young—44.
Gaines,	Nuttall,	

Those who voted in the negative, were—

Messrs. Barbour,	Dixon,	Prewitt,
Botts,	Fible,	Rouse,
Bramlette,	Fletcher,	Rumsey,
Brawner,	Forman,	Skiles,
Brien,	Gholson,	Smith, B.
Browder,	Gilliam,	Smith, J. Speed
Brown, T. D.	Harrison,	Smither,
Buford,	Hays,	Stone,
Bullock, E. I.	Holbrook,	Vance,
Bullock, W. F.	Innes,	Vawter,
Carpenter,	Johnson, D. B.	Wakefield,
Chambers,	Kinkead,	Wand,
Chism,	Lewis,	Weir,
Chrisman, G. T.	Marshall, W. C.	Whaley,
Chrisman, M. T.	Morgan,	Wolfe,
Craddock,	Morin,	Wortham—49.
Cummins,		

The question was then taken on the passage of said bill, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. Nuttall and Graham, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barbour,	Dixon,	Prewitt,
Biggs,	Fible,	Rouse,
Botts,	Fletcher,	Rumsey,
Bramlette,	Forman,	Skiles,
Brawner,	Gholson,	Smith, B.
Brien,	Gilliam,	Smith, J. Speed
Brown, T. D.	Harrison,	Smither,
Buford,	Hays,	Stone,
Bullock, E. I.	Holbrook,	Vance,
Bullock, W. F.	Innes,	Vawter,
Carpenter,	Johnson, D. B.	Wakefield,
Chambers,	Kinkead,	Wand,
Chrisman, G. T.	Lewis,	Weir,
Chrisman, M. T.	Marshall, W. C.	Whaley,
Craddock,	Morgan,	Wolfe,
Cummins,	Morin,	Wortham—48.

Those who voted in the negative, were—

Mr. Speaker,	Garnett,	Owsley,
Messrs. Barnett,	Graham,	Petree,
Basye,	Ireland,	Sanders,
Bowman,	Jefferson,	Swope,
Browder,	Johnson, R. M.	Taylor,
Brown, J. S.	Kennedy, J.	Thomasson,
Carlisle,	Kennedy, W.	Thompson,
Chowning,	Kirtley,	Triplett,
Clarke,	Lykins,	Welch,
Coombs,	Marshall, W. N.	White, D.
Conway,	McCann,	White, J.
Cornish,	McKee,	Wickliffe, R.
Cox,	Martin,	Wickliffe, R. L.
Flournoy,	Noe,	Young—44.
Gaines,	Nuttall,	

Resolved, That the title thereof be as aforesaid.

Mr. W. F. Bullock moved the following resolution, viz:

Resolved, That the Hall of the House of Representatives be appropriated, on this evening, to an exhibition of blind children, under the direction of Dr. Howe, of Boston; the object being to demonstrate the practicability and importance of an institution for the education of the blind.

Which being twice read was adopted.

And then the House adjourned.

TUESDAY, FEBRUARY 1, 1842.

A message was received from the Senate, announcing the passage of bills from this House of the following titles, viz:

An act to repeal part of an act regulating the Christian Academy, approved January 31, 1828.

An act for the benefit of James K. Gallion, late Sheriff of Whitley county.

An act for the benefit of Solomon Rhodes, former Sheriff of Muhlenburg county.

An act for the benefit of the Bear Grass Baptist Church.

An act for the benefit of James G. Hardy and James P. Bates.

An act authorizing the lease or purchase of a lot of ground for the use of the Penitentiary.

That they had passed a bill and resolution of the following titles, viz:

An act more effectually to protect the right of suffrage.

A resolution for an adjournment of the General Assembly.

1. Mr. Wakefield presented the petition of sundry citizens of Spencer county, praying the passage of a law allowing an additional Justice of the Peace to said county.

2. Mr. J. Kennedy presented the petition of Chilton Allan and others, praying the establishment of agricultural schools, the execution of a geological survey, and the collection of industrial productive statistics.

3. Mr. W. F. Bullock presented the petition of Theodore Sterrett, (a man of colour,) praying the passage of a law permitting him to become a citizen of this State.

4. Mr. J. Kennedy presented the petition of Thomas B. Stevenson, praying the passage of a law imposing a tax on dogs.

5. Mr. Triplett presented the remonstrance of sundry citizens of Daviess county, against the formation of a new county out of part thereof.

Which petitions and remonstrance were received, the reading thereof dispensed with, and referred—the 1st to Messrs. Wakefield, W. F. Bullock and Dixon; the 2d to the committee on Agriculture and Manufactures; the 3d to the committee for Courts of Justice; and the 4th and 5th to the committee of Propositions and Grievances.

On motion of Mr. Drake,

Ordered, That a message be sent to the Senate, asking leave to withdraw the report of this House announcing their disagresment to a bill from the Senate, entitled, an act for the benefit of William B. Dunlap; in a short time the messenger returned with said bill.

The Speaker laid before the House the response of the Board of Internal Improvement to a resolution from this House of the 29th January, which is as follows, viz:

OFFICE BOARD OF INTERNAL IMPROVEMENT,
FRANKFORT, *February* 1, 1842.

SIR:

I have the honor to transmit to the house of Representatives, in answer to a resolution of the 29th ult., copies of contracts for building locks and dams upon the Kentucky and Licking rivers, and of the contract for lock and dam No. 1 upon the Green river; also the contract prices as certified by the acting Resident Engineer of Lock No. 4, in Green river, and lock No. 1 in Barren river.

I am sir, very respectfully,
Your obedient servant,
THOMAS METCALFE, *President B. I. I.*

To the Hon. C. S. MOREHEAD,
Speaker of the House of Representatives.

ARTICLES OF AGREEMENT,

Entered into this fourth day of July, A. D. one thousand eight hundred and thirty six, by and between the Commonwealth of Kentucky, by William Owsley, President of the Board of Internal Improvement, of the first part, and Joseph Barbour and Company, of the second part:

Witnesseth, That for and in consideration of the payments and covenants hereinafter mentioned, to be made, the said party of the second part do hereby covenant, agree, and engage to furnish all the materials, except hydraulic lime, and perform all the labor necessary to build and construct the dam and lock No. one, of the Kentucky river navigation, together with the abutments, walls, crib work and all the fixtures represented in the drawings, and described in the specifications of the said dam and lock; which drawings and specifications are deemed and taken as part of this contract, and all the walls, crib work, or other fixtures which may be directed by the Engineer having charge of the work.

In consideration of the work so to be done and executed, it is agreed and understood that there shall be paid by the said Commonwealth, to the said party of the second part, as follows:

For regular masonry in the lock walls, nine dollars thirty six and a fourth cents per perch of 25 cubic feet.

For rubble masonry in the breast of the lock, three dollars and fifty cents per perch of 25 cubic feet.

For coursed rubble masonry in the dam abutments, ——— per perch of 25 cubic feet.

For slope walls and pavements, four dollars per perch of 25 cubic feet.

For wood work of the lock, including gates, foundations, planking, and all wood work represented in the drawings, or described in the specifications, (except the six inch floor in the upper part of the chamber,) a gross sum of two thousand one hundred and ninety three dollars.

For wrought iron work, including gate irons, chains, spikes, and all other

wrought iron about the lock and flood gates, except the spikes in the crib work, eleven cents per pound.

For cast iron work in the lock and flood gates, including capstans and wheels, eight cents per pound.

For flood gates, including plank and timber for the gates, plank for floors, and lining for the sides of the cribs, thirty dollars per one thousand feet, board measure.

For the wood work in the floor of the upper part of the lock chamber, a gross sum of five hundred and seventy six dollars.

For the dam twenty feet high, measured from the bottom of the river, to the comb or weir of the dam, and sixty six feet long in the base, including timber of all kinds, sheet piling, stone filling, spikes, tree-nails, the quantity of gravelling represented on the drawings, and labor of every description, fifty six dollars and fifty cents per foot in length of the comb or weir, measured between the abutments.

For timber in the crib work above and below the lock, in the abutments, and in any addition that may be made to the height or length of base of the dam, thirteen cents per foot lineal.

For embankment, per cubic yard, fifteen cents.

For stone filling in do. fifty cents per cubic yard.

For iron spikes and bolts in do. eight cents per pound.

For gravelling put on in addition to the quantity specified above, or shown in the drawings, and for the gravel or loose small stone under the slope walls, and behind the lock walls, forty cents per cubic yard.

For solid rock excavation above low water of the river, seventy cents per cubic yard.

For excavation of sand, clay, and all other materials, except solid rock, above low water of the river, thirteen cents per cubic yard.

For excavation of solid rock below low water of the river, two dollars per cubic yard.

For excavation of sand, clay, gravel and all other materials, except solid rock, below low water of the river, thirty cents per cubic yard.

It is understood, that the prices affixed to the above items, are intended to include materials and labor of every description required to fit and put them in the work. The plank, timber, and all other materials paid for by measure or weight, shall be estimated, or the quantities shall be determined by the dimensions of the timber or other item, as it lies in the work, when finished.

No allowance will be made for bailing water, and no extra allowance will be made in any case, for the performance of this contract beyond the sum stipulated therein, except for additional, or extra work.

It is further agreed, that any items of work that may necessarily occur in, or about the lock and dam, not already specified in this contract, or represented in the plan, or described in the specification, and which may be directed to be done by the Engineer, shall be estimated by him, and paid for according to its value; and it is further understood by the parties, that all stone taken from the excavation of the pits or foundation of the dam, except such as may be used in the work, shall be the property of the Commonwealth of Kentucky, and not of the contractor, and may be disposed of by the Board of Internal Improvement as it may think proper.

The payments are to be made in the following manner:—On or about the first week of October next, ensuing the date of this contract, the resident

Engineer shall make an estimate of the value of materials delivered, and of work done, and upon his certificate being presented to the President of the Board of Internal Improvement, the same shall be paid; and on the first week of November next, a like estimate shall be made by the resident Engineer of materials delivered, and work done after the first estimate aforesaid, and upon his certificate being presented to the President of the Board of Internal Improvement, the same shall be paid, reserving therefrom, ten per cent., which shall be retained by the party of the first part, as security for the faithful performance of the work, until the same shall be completed, unless directed to be paid by the Board of Internal Improvement; and on the first week of each succeeding month, the resident Engineer shall, in like manner, estimate the amount and value of work done, and on the presentation of his certificate, eighty seven and a half per cent. of the amount shall be paid, and the balance retained for security, as before.

When the lock, dam, and other works connected with them, shall be completed and finished, according to the contract, plans, specifications and directions of the Engineer, or within thirty days thereafter, the amount and value of all the work and materials shall be estimated by the resident Engineer, and on the presentation of his certificate, approved and signed by the Chief Engineer, to the President of the Board of Internal Improvement, the balance, including the amounts from time to time retained, shall be paid.

It is further agreed, that the Commonwealth shall furnish all the hydraulic lime required to build the walls of the lock and abutments, to be delivered at some convenient point, at, or near the work, where the contractor shall receive it, and deposit it in some house, shed, or other building, where it will be preserved from injury by wet or exposure to the air; and if any of the hydraulic lime shall be injured by his neglect, while in possession of the contractor, the amount of injury sustained, shall he charged to him, and be deducted from his estimate.

And it is further understood, and agreed, that this contract, or any part thereof, shall not be transferred, sub-let in any manner, or under any pretence whatsoever, except for the procuring of materials.

And it is further agreed, that the said party of the second part, shall be liable and responsible for any damage, or trespass, done or committed by any persons in their employ; and shall dismiss from their service and employment, any disorderly or quarrelsome person, who shall wantonly commit any trespass, either upon the person, or property of any citizen of this Commonwealth, or be guilty of any offensive misconduct whatever, and, at any time, the said party of the second part, do covenant, promise, and agree, to dismiss from their service, all, and any, and every person, or persons, employed by, or under them whenever thereto directed by the Engineer.

And it is further understood and agreed, that said party of the second part, shall commence the said lock and dam within two months after the date of this agreement; and it is further understood, and agreed, that the said party of the second part shall, and will, in all and every thing and matter, conform to the orders and directions of the Chief Engineer, resident Engineer, or other person having charge of the work, and do, and execute all the work in the said contract mentioned in the mode and manner directed by them. And to be governed by their directions in raising

the dam, so as not to prejudice others in like works above. And whenever the said Engineer may, and shall think proper to change, alter, enlarge or alter the amount of work, or location of the work on this contract, he shall have full power and authority to do so, and the said party of the second part, do bind themselves to faithfully observe and obey his instructions and directions touching such change, alteration, enlargement or lessening, and when the same is done, the said Engineer shall have full power to make such addition to, or deduction from the amount agreed to be paid for the work, as, in his opinion, may be just and equitable.

It is further understood and agreed by the parties, that in case the dam and lock shall not be commenced within the time above stated, or if, at any subsequent period, the party of the second part should, in the opinion of the Chief Engineer or resident Engineer, refuse or neglect to prosecute this contract with a force proportionate to the quantity of the work to be done, and the period in which it is to be completed, or shall sub-contract, or relet said lock and dam, or any part thereof; or shall not give personal superintendence to the work, or shall refuse, at any time, to conform to the directions and instructions of the Chief Engineer, resident Engineer or Superintendent of the work, or shall violate, in any way, or manner, any of the stipulations, provisions, or conditions of this contract, the Chief Engineer, and resident Engineer, shall have power to declare this contract forfeited and *null and void*, and on their declaration, the same shall cease and determine forever, and as if it had never been made, and they may proceed to re-let the same: and in case of such declaration of forfeiture, the said Commonwealth are to retain the retained per centage forever, as compensation for damages which it is hereby agreed by the parties thereto that the Commonwealth shall be entitled to, in consequence of the failure of the party of the second part to perform the stipulations of the contract.

And it is further understood, that the decision of the Chief Engineer and resident Engineer, shall be final and conclusive in all disputes, matters and things, relating to this contract; and each and every of the said parties do hereby waive any right of action, suit or suits, or other remedy in law, or otherwise, by virtue of the said covenants, so that the decision of the said Engineer shall, in the nature of an award, be final and conclusive on the rights and claims of the parties.

It is further agreed and explicitly understood, that if, during the existence of this contract, a general estimate shall be made of the amount of labor done on the works of the Kentucky River Navigation, and it shall appear that the value of the same has equalled or exceeded the amount specifically appropriated or set apart by the Commonwealth for this purpose, the party of the second part shall not demand from the said Commonwealth, any payment of the moneys beyond the regular proportion of said appropriation, the same to be regulated agreeably to the estimate presented, the balance, including the retained per centage, to remain until provisions shall be made for its adjustment, subject to the orders and directions of the Board of Internal Improvement.

All timbers, buildings, or fences, at or near the locks and dams, shall be considered as the property of the land holder, and the party of the second part shall be held responsible for the safe keeping of the same, from the depredations of his agents, hands and laborers.

It is further understood and agreed, that in any case the party of the second part shall execute any portion of the work defectively, and if the imperfection is not of sufficient magnitude to require, in the opinion of the Engineer, the taking up and re-building of the imperfect part, the said Engineer shall have power to make any deduction or deductions he may think proper, from the stipulated price or prices, for such work.

The party of the second part, do hereby promise and agree to finish and deliver up this contract, on or before the first day of November in the year one thousand eight hundred and thirty eight.

In witness whereof, the parties have hereunto set their hands and seals, the day and year above written.

THE COMMONWEALTH OF KENTUCKY, by
WM. OWSLEY,
President of the Board of Internal Improvement,
acting under authority of the order of the Board.

J. BARBOUR & CO.

Witness present:
AUSTIN P. COX.
A copy, teste,
AUSTIN P. COX, *Sec'y B. I. I.*

ARTICLES OF AGREEMENT,

Entered into this fourth day of July, A. D. one thousand eight hundred and thirty six, by and between the Commonwealth of Kentucky, by William Owsley, President of the Board of Internal Improvement of Kentucky of the first part, and Thomas & Adam Darling of the second part,

Witnesseth, That for, and in consideration of the payments and covenants hereinafter mentioned, to be made, the said party of the second part do hereby covenant, agree, and engage to furnish all the materials, except hydraulic lime, and perform all the labor necessary to build and construct the Dam and Lock No. 3, of the Kentucky River Navigation, together with the abutments, walls, crib work, and all the fixtures represented in the drawings, and described in the specifications of the said Dam and Lock; which drawings and specifications are deemed and taken as part of this contract, and all the walls, crib work, or other fixtures which may be directed by the Engineer having charge of the work.

In consideration of the work so to be done and executed, it is agreed and understood that there shall be paid by the said Commonwealth, to the said party of the second part as follows:

For regular masonry in the lock walls, seven dollars per perch of 25 cubic feet.

For rubble masonry in the breast of the lock, three dollars and fifty cents per perch of 25 cubic feet.

For coursed rubble masonry in the dam abutments, four dollars per perch of 25 cubic feet.

For slope walls and pavements, one dollar and fifty cents per perch of 25 cubic feet.

For wood work of the lock, including gates, foundations, planking, and all wood work represented in the drawings, or described in the specifica-

tions, (except the 6 inch floor in the upper part of the chamber,) a gross sum of two thousand and eighty dollars.

For wrought iron work, including gate irons, chains, spikes, and all other wrought iron about the lock and flood gates, except the spikes in the crib work, eleven cents per pound.

For cast iron work in the lock and flood gates, including capstans and wheels, eight cents per pound.

For flood gates, including plank and timber for the gates, plank for floors, and lining for the sides of the cribs, thirty dollars per one thousand feet, board measure.

For the wood work in the floor of the upper part of the lock chamber, a gross sum of five hundred and seventy six dollars.

For the dam twenty one feet high, measured from the bottom of the river, to the comb or weir of the dam, and sixty six feet long in the base, including timber of all kinds, sheet piling, stone filling, spikes, tree-nails, the quantity of gravelling represented on the drawings, and labor of every description, fifty nine dollars and sixty cents per foot in length of the comb or weir measured between the abutments.

For timber in the crib work above and below the lock, in the abutments, and in any addition that may be made to the height or length of base of the dam, twelve cents per foot lineal.

For embankments per cubic yard, fifteen cents.

For stone filling in crib work, fifty cents per cubic yard.

For iron spikes and bolts in do. eight cents per pound.

For gravelling put on in addition to the quantity specified above, or shown in the drawings, and for the gravel or loose small stone under the slope walls, and behind the lock walls, ——— cents per cubic yard.

For solid rock excavation above low water of the river, seventy cents per cubic yard.

For excavation of sand, clay, and all other materials, except solid rock, above low water of the river, thirteen cents per cubic yard.

For excavation of solid rock below low water of the river, two dollars per cubic yard.

For excavation of sand, clay, gravel and all other materials, except solid rock, below low water of the river, thirty cents per cubic yard.

It is understood, that the prices affixed to the above items, are intended to include materials and labor of every description required to fit and put them in the work. The plank, timber, and all other materials paid for by measure or weight, shall be estimated, or the quantities shall be determined by the dimensions of the timber or other item, as it lies in the work, when finished.

No allowance will be made for bailing water, and no extra allowance will be made in any case, for the performance of this contract beyond the sum stipulated therein, except for additional, or extra work.

It is further agreed, that any items of work that may necessarily occur in, or about the lock and dam, not already specified in this contract, or represented in the plan, or described in the specification, and which may be directed to be done by the Engineer, shall be estimated by him, and paid for according to its value; and it is further understood by the parties, that all stone taken from the excavation of the pits for foundation of the dam, except such as may be used in the work, shall be the property of the Common-

monwealth of Kentucky, and not of the contractor, and may be disposed of by the Board of Internal Improvement as it may think proper.

The payments are to be made in the following manner:—On or about the first week of October next, ensuing the date of this contract, the resident Engineer shall make an estimate of the value of materials delivered, and of work done, and upon his certificate being presented to the President of the Board of Internal Improvement, the same shall be paid; and on the first week of November next, a like estimate shall be made by the resident Engineer of materials delivered, and work done after the first estimate aforesaid, and upon his certificate being presented to the President of the Board of Internal Improvement, the same shall be paid, reserving therefrom, ten per cent., which shall be retained by the party of the first part, as security for the faithful performance of the work, until the same shall be completed, unless directed to be paid by the board of Internal Improvement; and on the first week of each succeeding month, the resident Engineer shall, in like manner, estimate the amount and value of work done, and on the presentation of his certificate, eighty seven and a half per cent. of the amount shall be paid, and the balance retained for security, as before.

When the lock, dam, and other work connected with them, shall be completed and finished, according to the contract, plans, specifications and directions of the Engineer, or within thirty days thereafter, the amount and value of all the work and materials shall be estimated by the resident Engineer, and on the presentation of his certificate, approved and signed by the Chief Engineer, to the President of the Board of Internal Improvement, the balance, including the amounts from time to time retained, shall be paid.

It is further agreed, that the Commonwealth shall furnish all the hydraulic lime required to build the walls of the lock and abutments, to be delivered at some convenient point, at, or near the work, where the contractor shall receive it, and deposit it in some house, shed, or other building, where it will be preserved from injury by wet or exposure to the air; and if any of the hydraulic lime shall be injured by his neglect, while in possession of the contractor, the amount of injury sustained shall be charged to him, and be deducted from his estimate.

And it is further understood, and agreed, that this contract, or any part thereof, shall not be transferred, sub-let in any manner, or under any pretence whatsoever, except for the procuring of materials.

And it is further agreed, that the said party of the second part, shall be liable and responsible for any damage, or trespass, done or committed by any persons in their employ: and shall dismiss from their service and employment, any dissorderly or quarrelsome person, who shall wantonly commit any trespass, either upon the person, or property of any citizen of this Commonwealth, or be guilty of any offensive misconduct whatever, and, at any time, the said party of the second part, do covenant, promise, and agree, to dismiss from their service all, and any, and every person, or persons, employed by, or under them whenever thereto directed by the Engineer.

And it is further understood and agreed, that said party of the second part, shall commence the said lock and dam within two months after the date of this agreement; and it is further understood, and agreed, that the said party of the second part shall, and will, in all and every matter conform to the orders and directions of the Chief Engineer, resident Engineer, or other person having charge of the work, and do, and execute all the

work in the said contract mentioned in the mode and manner directed by them. And to be governed by their directions in raising the dam, so as not to prejudice others in like works above. And whenever the said Engineer may, and shall think proper to change, alter, enlarge or alter the amount of work, or location of the work on this contract, he shall bave full power and authority to do so, and the said party of the second part, do bind themselves to faithfully observe and obey his instructions and directions touching such change, alteration, enlargement or lessening, and when the same is done, the said Engineer shall have full power to make such addition to, or deduction from the amount agreed to be paid for the work, as, in his opinion, may be just and equitable.

It is further understood and agreed by the parties, that in case the dam and lock shall not be commenced within the time above stated, or if, at any subsequent period, the party of the second part should, in the opinion of the Chief Engineer or resident Engineer, refuse or neglect to prosecute this contract with a force proportionate to the quantity of the work to be done, and the period in which it is to be completed, or shall sub-contract, or re-let said lock and dam, or any part thereof: or shall not give personal superintendence to the work, or shall refuse, at any time, to conform to the directions and instructions of the Chief Engineer, resident Engineer or Superintendent of the work, or shall violate, in any way, or manner, any of the stipulations, provisions, or conditions of this contract, the Chief Engineer, and resident Engineer, shall have power to declare this contract forfeited and *null and void*, and on their declaration, the same shall cease and determine forever, and as if it had never been made, and they may proceed to re-let the same: and in case of such declaration of forfeiture, the said Commonwealth are to retain the retained per centage forever, as compensation for damages which it is hereby agreed by the parties thereto that the Commonwealth shall be entitled to, in consequence of the failure of the party of the second part to perform the stipulations of the contract.

And it is further understood, that the decision of the Chief Engineer and resident Engineer, shall be final and conclusive in all disputes, matters and things, relating to this contract; and each and every of the said parties do hereby waive any right of action, suit or suits, or other remedy in law, or otherwise, by virtue of the said covenants, so that the decision of the said Engineer shall, in the nature of an award, be final and conclusive on the rights and claims of the parties.

It is further agreed and explicitly understood, that if, during the existence of this contract, a general estimate shall be made of the amount of labor done on the works of the Kentucky River Navigation, and it shall appear that the value of the same has equalled or exceeded the amount specifically appropriated or set apart by the Commonwealth for this purpose, the party of the second part shall not demand from the said Commonwealth, any payment of the moneys beyond the regular proportion of said appropriation, the same to be regulated agreeably to the estimate presented, the balance, including the retained per centage, to remain until provisions shall be made for its adjustment, subject to the orders and directions of the Board of Internal Improvement.

All timbers, buildings, or fences, at or near locks and dams, shall be considered as the property of the land holder, and the party of the second part shall be held responsible for the safe keeping of the same, from the depredations of his agents, hands and laborers.

It is further understood and agreed, that in any case the party of the second part shall execute any portion of the work defectively, and if the imperfection is not of sufficient magnitude to require, in the opinion of the Engineer, the taking up and re-building of the imperfect part, the said Engineer shall have power to make any deduction or deductions he may think proper, from the stipulated price or prices, for such work.

The party of the second part, do hereby promise and agree to finish and deliver up this contract, on or before the first day of November in the year one thousand eight hundred and thirty eight.

In witness whereof, the parties have hereunto set their hands and seals the day and year above written.

THE COMMONWEATH of KENTUCKY, by
WM. OWSLEY,
President of the Board of Internal Improvement,
acting under order of the Board.

THOMAS DARLING,
ADAM DARLING.

Witness present:
AUSTIN P. COX.

A copy. AUSTIN P. COX, *Sec'y B. I. I.*

ARTICLES OF AGREEMENT,

Entered into this fourth day of July, A. D. one thousand eight hundred and thirty six, by and between the Commonwealth of Kentucky, by William Owsley, President of the Board of Internal Improvement, of the first part, and Willson Knott, David Mahan, James F. McCage, John Matthews and James Wilson, of the second part:

Witnesseth, That for and in consideration of the payments and covenants, hereinafter mentioned, to be made, the said party of the second part do hereby covenant, agree, and engage to furnish all the materials, except hydraulic lime, and perform all the labor necessary to build and construct the dam and lock No. four, of the Kentucky River Navigation, together with the abutments, walls, crib work and all the fixtures represented in the drawings, and described in the specifications of the said dam and lock; which drawings and specifications are deemed and taken as part of this contract, and all the walls, crib work, or other fixtures which may be directed by the Engineer having charge of the work.

In consideration of the work so to be done and executed, it is agreed and understood that there shall be paid by the said Commonwealth, to the said party of the second part, as follows:

For regular masonry in the lock walls, six dollars and seventy five cents per perch of 25 cubic feet.

For rubble masonry in the breast of the lock, three dollars and fifty cents per perch of 25 cubic feet.

For coursed rubble masonry in the dam abutments, three dollars and fifty cents per perch of 25 cubic feet.

For slope walls and pavements, one dollar and fifty cents per perch of 25 cubic feet.

For wood work of the lock, including gates, foundations, planking, and

all wood work represented in the drawings, or described in the specifications, (except the six inch floor in the upper part of the chamber,) a gross sum of twenty four hundred and forty five dollars.

For wrought iron work, including gate irons, chains, spikes, and all other wrought iron about the lock and flood gates, except the spikes in the crib work, eleven cents per pound.

For cast iron work in the lock and flood gates, including capstans and wheels, eight cents per pound.

For flood gates, including plank and timber for the gates, plank for floors, and lining for the sides of the cribs, twenty dollars per one thousand feet, board measure.

For the wood work in the floor of the upper part of the lock chamber, a gross sum of five hundred and seventy six dollars.

For the dam twenty feet high, measured from the bottom of the river, to the comb or weir of the dam, and sixty six feet long in the base, including timber of all kinds, sheet piling, stone filling, spikes, tree-nails, the quantity of gravelling represented on the drawings, and labor of every description, fifty four dollars per foot in length of the comb or weir, measured between the abutments.

For timber in the crib work above and below the lock, in the abutments, and in any addition that may be made to the height or length of base of the dam, twelve cents per foot lineal.

For embankment, per cubic yard, fifteen cents.

For stone filling in crib work, fifty cents per cubic yard.

For iron spikes and bolts in do. eight cents per pound.

For gravelling put on in addition to the quantity specified above, or shown in the drawings, and for the gravel or loose small stone under the slope walls, and behind the lock walls, thirty cents per cubic yard.

For solid rock excavation above low water of the river, seventy cents per cubic yard.

For excavation of sand, clay, and all other materials, except solid rock, above low water of the river, thirteen cents per cubic yard.

For excavation of solid rock below low water of the river, two dollars per cubic yard.

For excavation of sand, clay, gravel and all other materials, except solid rock, below low water of the river, thirty cents per cubic yard.

It is understood, that the prices affixed to the above items, are intended to include materials and labor of every description required to fit and put them in the work. The plank, timber, and all other materials paid for by measure or weight, shall be estimated, or the quantities shall be determined by the dimensions of the timber or other item, as it lies in the work, when finished.

No allowance will be made for bailing water, and no extra allowance will be made in any case, for the performance of this contract beyond the sum stipulated therein, except for additional, or extra work.

It is further agreed, that any items of work that may necessarily occur in, or about the lock and dam, not already specified in this contract, or represented in the plan, or described in the specification, and which may be directed to be done by the Engineer, shall be estimated by him, and paid for according to its value; and it is further understood by the parties, that all stone taken from the excavation of the pits or foundation of the dam, except such as may be used in the work, shall be the property of the Common-

wealth of Kentucky, and not of the contractor, and may be disposed of by the Board of Internal Improvement as it may think proper.

The payments are to be made in the following manner:—On or about the first week of October next, ensuing the date of this contract, the resident Engineer shall make an estimate of the value of materials delivered, and of work done, and upon his certificate being presented to the President of the Board of Internal Improvement, the same shall be paid; and on the first week of November next, a like estimate shall be made by the resident Engineer of materials delivered, and work done after the first estimate aforesaid, and upon his certificate being presented to the President of the Board of Internal Improvement, the same shall be paid, reserving therefrom, ten per cent., which shall be retained by the party of the first part, as security for the faithful performance of the work, until the same shall be completed, unless directed to be paid by the Board of Internal Improvement; and on the first week of each succeeding month, the resident Engineer shall, in like manner, estimate the amount and value of work done, and on the presentation of his certificate, eighty seven and a half per cent. of the amount shall be paid, and the balance retained for security, as before.

When the lock, dam, and other works connected with them, shall be completed and finished, according to the contract, plans, specifications and directions of the Engineer, or within thirty days thereafter, the amount and value of all the work and materials shall be estimated by the resident Engineer, and on the presentation of his certificate, approved and signed by the Chief Engineer, to the President of the Board of Internal Improvement, the balance, including the amounts from time to time retained, shall be paid.

It is further agreed, that the Commonwealth shall furnish all the hydraulic lime required to build the walls of the lock and abutments, to be delivered at some convenient point, at, or near the work, where the contractor shall receive it, and deposit it in some house, shed, or other building, where it will be preserved from injury by wet or exposure to the air; and if any of the hydraulic lime shall be injured by his neglect, while in possession of the contractor, the amount of injury sustained, shall be charged to him, and be deducted from his estimate.

And it is further understood, and agreed, that this contract, or any part thereof, shall not be transferred, sub-let in any manner, or under any pretence whatsoever, except for the procuring of materials.

And it is further agreed, that the said party of the second part, shall be liable and responsible for any damage, or trespass, done or committed by any persons in their employ; and shall dismiss from their service and employment, any disorderly or quarrelsome person, who shall wantonly commit any trespass, either upon the person, or property of any citizen of this Commonwealth, or be guilty of any offensive misconduct whatever, and, at any time, the said party of the second part, do covenant, promise, and agree, to dismiss from their service, all, and any, and every person, or persons, employed by, or under them whenever thereto directed by the Engineer.

And it is further understood and agreed, that said party of the second part, shall commence the said lock and dam within ———— after the date of this agreement; and it is further understood, and agreed, that the said party of the second part shall, and will, in all and every thing and

matter, conform to the orders and directions of the Chief Engineer, resident Engineer, or other person having charge of the work, and do, and execute all the work in the said contract mentioned in the mode and manner directed by them. And to be governed by their directions in raising the dam, so as not to prejudice others in like works above. And whenever the said Engineer may, and shall think proper to change, alter, enlarge or alter the amount of work, or location of the work on this contract, he shall have full power and authority to do so, and the said party of the second part, do bind themselves to faithfully observe and obey his instructions and directions touching such change, alteration, enlargement or lessening, and when the same is done, the said Engineer shall have full power to make such addition to, or deduction from the amount agreed to be paid for the work, as, in his opinion, may be just and equitable.

It is further understood and agreed by the parties, that in case the dam and lock shall not be commenced within the time above stated, or if, at any subsequent period, the party of the second part should, in the opinion of the Chief Engineer or resident Engineer, refuse or neglect to prosecute this contract with a force proportionate to the quantity of the work to be done, and the period in which it is to be completed, or shall sub-contract, or relet said lock and dam, or any part thereof; or shall not give personal superintendence to the work, or shall refuse, at any time, to conform to the directions and instructions of the Chief Engineer, resident Engineer or Superintendent of the work, or shall violate, in any way, or manner, any of the stipulations, provisions, or conditions of this contract, the Chief Engineer, and resident Engineer, shall have power to declare this contract forfeited and *null and void*, and on their declaration, the same shall cease and determine forever, and as if it had never been made, and they may proceed to re-let the same: and in case of such declaration of forfeiture, the said Commonwealth are to retain the retained per centage forever, as compensation for damages which it is hereby agreed by the parties thereto that the Commonwealth shall be entitled to, in consequence of the failure of the party of the second part to perform the stipulations of the contract.

And it is further understood, that the decision of the Chief Engineer and resident Engineer, shall be final and conclusive in all disputes, matters and things, relating to this contract; and each and every of the said parties do hereby waive any right of action, suit or suits, or other remedy in law, or otherwise, by virtue of the said covenants, so that the decision of the said Engineer shall, in the nature of an award, be final and conclusive on the rights and claims of the parties.

It is further agreed and explicitly understood, that if, during the existence of this contract, a general estimate shall be made of the amount of labor done on the works of the Kentucky River Navigation, and it shall appear that the value of the same has equalled or exceeded the amount specifically appropriated or set apart by the Commonwealth for this purpose, the party of the second part shall not demand from the said Commonwealth, any payment of the moneys beyond the regular proportion of said appropriation, the same to be regulated agreeably to the estimate presented, the balance, including the retained per centage, to remain until provisions shall be made for its adjustment, subject to the orders and directions of the Board of Internal Improvement.

All timbers, buildings, or fences, at or near the locks and dams, shall be

considered as the property of the land holder, and the party of the second part shall be held responsible for the safe keeping of the same, from the depredations of his agents, hands and laborers.

It is further understood and agreed, that in any case the party of the second part shall execute any portion of the work defectively, and if the imperfection is not of sufficient magnitude to require, in the opinion of the Engineer, the taking up and re-building of the imperfect part, the said Engineer shall have power to make any deduction or deductions he may think proper, from the stipulated price or prices, for such work.

The party of the second part, do hereby promise and agree to finish and deliver up this contract, on or before the first day of November in the year one thousand eight hundred and thirty eight.

In witness whereof, the parties have hereunto set their hands and seals, the day and year above written.

THE COMMONWEALTH OF KENTUCKY, by
WM. OWSLEY,
President of the Board of Internal Improvement,
acting under the order of the Board.

WILSON KNOTT,
DAVID MAHAN,
JAS. F. M'CAGUE,
JOHN MATHEWS,
JAMES WILSON.

Witness present:
AUSTIN P. COX.

A copy, teste, AUSTIN P. COX, *Sec'y B. I. I.*

ARTICLES OF AGREEMENT,

Entered into this fourth day of July, A. D. one thousand eight hundred and thirty six, by and between the Commonwealth of Kentucky, by William Owsley, President of the Board of Internal Improvement of Kentucky of the first part, and Wilson Knott, David Mahan, James F. McCague, John Matthews and James Wilson, of the second part,

Witnesseth, That for, and in consideration of the payments and covenants hereinafter mentioned, to be made, the said party of the second part do hereby covenant, agree, and engage to furnish all the materials, except hydraulic lime, and perform all the labor necessary to build and construct the Dam and Lock No. 5, of the Kentucky River Navigation, together with the abutments, walls, crib work, and all the fixtures represented in the drawings, and described in the specifications of the said Dam and Lock; which drawings and specifications are deemed and taken as part of this contract, and all the walls, crib work, or other fixtures which may be directed by the Engineer having charge of the work.

In consideration of the work so to be done and executed, it is agreed and understood that there shall be paid by the said Commonwealth, to the said party of the second part as follows:

For regular masonry in the lock walls, six dollars and seventy five cents per perch of 25 cubic feet.

For rubble masonry in the breast of the lock, three dollars and fifty cents per perch of 25 cubic feet.

For coursed rubble masonry in the dam abutments, three dollars and fifty cents per perch of 25 cubic feet.

For slope walls and pavements, one dollar and fifty cents per perch of 25 cubic feet.

For wood work of the lock, including gates, foundations, planking, and all wood work represented in the drawings, or described in the specifications, (except the 6 inch floor in the upper part of the chamber,) a gross sum of twenty one hundred and ninety eight dollars.

For wrought iron work, including gate irons, chains, spikes, and all other wrought iron about the lock and flood gates, except the spikes in the crib work, eleven cents per pound.

For cast iron work in the lock and flood gates, including capstans and wheels, eight cents per pound.

For flood gates, including plank and timber for the gates, plank for floors, and lining for the sides of the cribs, twenty dollars per one thousand feet, board measure.

For the wood work in the floor of the upper part of the lock chamber, a gross sum of five hundred and seventy six dollars.

For the dam twenty five feet high, measured from the bottom of the river, to the comb or weir of the dam, and sixty six feet long in the base, including timber of all kinds, sheet piling, stone filling, spikes, tree-nails, the quantity of gravelling represented on the drawings, and labor of every description, sixty six dollars and sixty seven cents per foot in length of the comb or weir measured between the abutments.

For timber in the crib work above and below the lock, in the abutments, and in any addition that may be made to the height or length of base of the dam, twelve cents per foot lineal.

For embankment per cubic yard, fifteen cents.

For stone filling in crib work, fifty cents per cubic yard.

For iron spikes and bolts in do. eight cents per pound.

For gravelling put on in addition to the quantity specified above, or shown in the drawings, and for the gravel or loose small stone under the slope walls, and behind the lock walls, forty cents per cubic yard.

For solid rock excavation above low water of the river, seventy cents per cubic yard.

For excavation of sand, clay, and all other materials, except solid rock, above low water of the river, thirteen cents per cubic yard.

For excavation of solid rock below low water of the river, two dollars per cubic yard.

For excavation of sand, clay, gravel and all other materials, except solid rock, below low water of the river, thirty cents per cubic yard.

It is understood, that the prices affixed to the above items, are intended to include materials and labor of every description required to fit and put them in the work. The plank, timber, and all other materials paid for by measure or weight, shall be estimated, or the quantities shall be determined by the dimensions of the timber or other item, as it lies in the work, when finished.

No allowance will be made for bailing water, and no extra allowance will be made in any case, for the performance of this contract beyond the sum stipulated therein, except for additional, or extra work.

It is further agreed, that any items of work that may necessarily occur in, or about the lock and dam, not already specified in this contract, or represented in the plan, or described in the specification, and which may be directed to be done by the Engineer, shall be estimated by him, and paid for according to its value; and it is further understood by the parties, that all stone taken from the excavation of the pits or foundation of the dam, except such as may be used in the work, shall be the property of the Commonmonwealth of Kentucky, and not of the contractor, and may be disposed of by the Board of Internal Improvement as it may think proper.

The payments are to be made in the following manner:—On or about the first week of October next, ensuing the date of this contract, the resident Engineer shall make an estimate of the value of materials delivered, and of work done, and upon his certificate being presented to the President of the Board of Internal Improvement, the same shall be paid; and on the first week of November next, a like estimate shall be made by the resident Engineer of materials delivered, and work done after the first estimate aforesaid, and upon his certificate being presented to the President of the Board of Internal Improvement, the same shall be paid, reserving therefrom, ten per cent., which shall be retained by the party of the first part, as security for the faithful performance of the work, until the same shall be completed, unless directed to be paid by the board of Internal Improvement; and on the first week of each succeeding month, the resident Engineer shall, in like manner, estimate the amount and value of work done, and on the presentation of his certificate, eighty seven and a half per cent. of the amount shall be paid, and the balance retained for security, as before.

When the lock, dam, and other work connected with them, shall be completed and finished, according to the contract, plans, specifications and directions of the Engineer, or within thirty days thereafter, the amount and value of all the work and materials shall be estimated by the resident Engineer, and on the presentation of his certificate, approved and signed by the Chief Engineer, to the President of the Board of Internal Improvement, the balance, including the amounts from time to time retained, shall be paid.

It is further agreed, that the Commonwealth shall furnish all the hydraulic lime required to build the walls of the lock and abutments, to be delivered at some convenient point, at, or near the work, where the contractor shall receive it, and deposit it in some house, shed, or other building, where it will be preserved from injury by wet or exposure to the air; and if any of the hydraulic lime shall be injured by his neglect, while in possession of the contractor, the amount of injury sustained shall be charged to him, and be deducted from his estimate.

And it is further understood, and agreed, that this contract, or any part thereof, shall not be transferred, sub-let in any manner, or under any pretence whatsoever, except for the procuring of materials.

And it is further agreed, that the said party of the second part, shall be liable and responsible for any damage, or trespass, done or committed by any persons in their employ: and shall dismiss from their service and employment, any dissorderly or quarrelsome person, who shall wantonly commit any trespass, either upon the person, or property of any citizen of this Commonwealth, or be guilty of any offensive misconduct whatever, and, at any time, the said party of the second part, do covenant, promise, and agree, to dismiss from their service all, and any, and every person, or persons, employed by, or under them whenever thereto directed by the Engineer.

And it is further understood and agreed, that said party of the second part, shall commence the said lock and dam within ——— after the date of this agreement; and it is further understood, and agreed, that the said party of the second part shall, and will, in all and every thing and matter conform to the orders and directions of the Chief Engineer, resident Engineer, or other person having charge of the work, and do, and execute all the work in the said contract mentioned in the mode and manner directed by them. And to be governed by their directions in raising the dam, so as not to prejudice others in like works above. And whenever the said Engineer may, and shall think proper to change, alter, enlarge or alter the amount of work, or location of the work on this contract, he shall have full power and authority to do so, and the said party of the second part, do bind themselves to faithfully observe and obey his instructions and directions touching such change, alteration, enlargement or lessening, and when the same is done, the said Engineer shall have full power to make such addition to, or deduction from the amount agreed to be paid for the work, as, in his opinion, may be just and equitable.

It is further understood and agreed by the parties, that in case the dam and lock shall not be commenced within the time above stated, or if, at any subsequent period, the party of the second part should, in the opinion of the Chief Engineer or resident Engineer, refuse or neglect to prosecute this contract with a force proportionate to the quantity of the work to be done, and the period in which it is to be completed, or shall sub-contract, or re-let said lock and dam, or any part thereof: or shall not give personal superintendence to the work, or shall refuse, at any time, to conform to the directions and instructions of the Chief Engineer, resident Engineer or Superintendent of the work, or shall violate, in any way, or manner, any of the stipulations, provisions, or conditions of this contract, the Chief Engineer, and resident Engineer, shall have power to declare this contract forfeited and *null and void*, and on their declaration, the same shall cease and determine forever, and as if it had never been made, and they may proceed to re-let the same: and in case of such declaration of forfeiture, the said Commonwealth are to retain the retained per centage forever, as compensation for damages which it is hereby agreed by the parties thereto that the Commonwealth shall be entitled to, in consequence of the failure of the party of the second part to perform the stipulations of the contract.

And it is further understood, that the decision of the Chief Engineer and resident Engineer, shall be final and conclusive in all disputes, matters and things, relating to this contract; and each and every of the said parties do hereby waive any right of action, suit or suits, or other remedy in law, or otherwise, by virtue of the said covenants, so that the decision of the said Engineer shall, in the nature of an award, be final and conclusive on the rights and claims of the parties.

It is further agreed and explicitly understood, that if, during the existence of this contract, a general estimate shall be made of the amount of labor done on the works of the Kentucky River Navigation, and it shall appear that the value of the same has equalled or exceeded the amount specifically appropriated or set apart by the Commonwealth for this purpose, the party of the second part shall not demand from the said Commonwealth, any payment of the moneys beyond the regular proportion of said appropriation, the same to be regulated agreeably to the estimate presented, the bal-

ance, including the retained per centage, to remain until provisions shall be made for its adjustment, subject to the orders and directions of the Board of Internal Improvement.

All timbers, buildings, or fences, at or near locks and dams, shall be considered as the property of the land holder, and the party of the second part shall be held responsible for the safe keeping of the same, from the depredations of his agents, hands and laborers.

It is further understood and agreed, that in any case the party of the second part shall execute any portion of the work defectively, and if the imperfection is not of sufficient magnitude to require, in the opinion of the Engineer, the taking up and re-building of the imperfect part, the said Engineer shall have power to make any deduction or deductions he may think proper, from the stipulated price or prices, for such work.

The party of the second part, do hereby promise and agree to finish and deliver up this contract, on or before the first day of November in the year one thousand eight hundred and thirty eight.

In witness whereof, the parties have hereunto set their hands and seals the day and year above written.

THE COMMONWEATH of KENTUCKY, by
WM. OWSLEY,
President of the Board of Internal Improvement,
acting under the order of the Board.

WILSON KNOTT,
DAVID MAHAN,
JAS. F. M'CAGUE,
JOHN MATHEWS,
JAMES WILSON.

Witness present:
AUSTIN P. COX.

A copy. AUSTIN P. COX, *Sec'y B. I. I.*

The following specifications were requried and made part of each of the contracts in the construction of the Locks and Dams on the Kentucky River.

The chamber of the Lock will be 175 feet long, measured from quoin to quoin, and 38 feet wide; the whole length of the Lock, including the chamber, will be 236 feet: the return walls at the head and foot, on the land side, will be of such length and thickness as the Engineer may deem necessary for the security of the Lock.

LOCK PITS.—Where the rock, &c. is not sufficiently solid to form parts of the wall, the pit will be excavated 244 feet long in the bottom, and 76 feet wide, except along the middle part, on a distance of about 100 feet, where the width may be reduced to 72 feet. The part of the pit under the breast of the Lock will be excavated to such depth as the Engineer may deem necessary to obtain a good foundation for the wall. From the breast wall to a point 28 feet above the lower quoin, the bottom of the pit will be 6 inches below the top of the lower mitre sill; (except in cases where the rock may be found sufficiently solid to form the floor of the lock chamber:) thence to the lower end of the walls the bottom of the pit will be 33 inches

below the top of the mitre sill. The slopes of the sides and ends of the pits, will have such inclination as the Engineer may deem necessary.

The parts of the bottom of the pit upon which masonry is to be built, are to be dressed, or cut down with a pick or other tool, so as to present an even horizontal surface, similar to the superior bed of a course of masonry, and where the rock is sufficiently compact and firm to serve as a substitute for parts of the wall, it will be cut off in benches of such width as the Engineer may direct, and of a height to correspond with the courses of masonry.

Where timber is to be fitted to the rock, the latter is not to be loosened or shattered below the bottom of the timber, but a solid and even bed is to be prepared for it to rest upon, or lie against when its sides or ends are in contact.

Timber Bottom.—The timbers which are to form the bottom of the Lock, (marked foundation timbers in the drawings,) from the lower end, to a point four feet above the lower recess, are to be hewn square and laid side by side. Each timber is to be 14 inches deep, not less than 12 inches wide, and long enough to extend 2½ feet under each wall. A hole 2 inches in diameter, and 20 inches deep, is to be drilled near the centre line of the Lock, under the middle of each timber. A seasoned locust pin, 2 inches in diameter, pierced through the middle in the direction of its length, with a half inch hole, is to be driven firmly into the hole in the rock. Each timber, as it shall be laid, will be secured by a 7-8 inch bolt driven down through it, into the pin hole in the rock below. The bolts are to be ragged at the ends. These timbers are to be covered with 3 inch white oak plank, laid lengthwise of the Lock, and secured with 1¼ inch locust pins, 8 inches long, and put in, in the proportion of two to every third timber in each plank. At the upper end of this timber bottom, a piece of timber 16 inches square, and long enough to extend 2½ feet under each Lock wall, will be placed across the ends of the plank, over the upper foundation timber, and secured with four 7-8 inch iron bolts, driven through both timbers and the plank. Both the lower and upper timbers, and also, the ends of the planks, are to be fitted closely to the rock, and the joint between the rock and the timbers is to be made water tight.

Upper part of Chamber.—The remainder of the bottom of the chamber of the Lock, where the rock shall be found not compact and strong enough to resist the action of the water, will be covered with white oak timbers 6 inches deep, and not less than 12 inches wide, laid cross wise of the Lock and secured in the following manner: Four lines of holes, two on each side, are to be drilled into the rock along parallel with the centre of the Lock, each hole will be 1½ inches in diameter, and not less than 18 inches deep, and so arranged as to come under the middle of each timber. A seasoned white oak pin of a size to fill the hole, is to be driven into each. Every timber is to extend across the Lock, and is to be long enough for the ends to press firmly against the faces of the wall—the sides of the timbers are to be fitted together so as to make close joints.

Planks four inches thick and 12 inches wide, are to be placed upon the 6 inch timbers, along over each line of holes, and ¾ inch bolts 24 inches long, with T heads, are to be driven through the 4 inch plank and 6 inch timbers, into each hole below. There will be four bolts in each 6 inch timber. Holes are to be drilled into the face of each wall, along the bottom course

at intervals of 2 feet—the holes are to be 1½ inches in diameter and 8 inches deep, they are to be in a line four inches above the top or upper surface of the 6 inch timbers. A seasoned locust pin of the length and diameter of the hole is to be firmly driven into each. A piece of white oak timber 10 inches wide and 6 inches thick, is to be fitted down upon the ends of the bottom timbers and secured to the wall by a ⅝ inch bolt not less than 12 inches long, driven into each of the holes in the face of the lower course of stone. This part of the bottom will be put in after the Lock walls are built.

MITRE SILLS.—The mitre sills will be made of the form and dimensions represented in the drawings. They will be put in after the lock walls are built, and secured to the foundation timbers with 18 one inch square bolts 30 inches long, put in at such points as the Engineer may direct. The timber will be white oak, hewn smooth and planed, and the joints are to be fitted in the best manner.

BREAST.—The breast of the Lock is to be covered with white oak timbers, 14 inches deep, and not less than 12 inches wide, placed side by side; each timber is to be long enough to extend across the Lock, and 18 inches into each wall. A course of 3 inch white oak plank is to be laid upon and secured to these timbers in the same manner as the three inch planks are secured to the bottom timbers under the lower gates. A double course of sheet piling is to be put in, as represented in the drawings, across the upper end of the Lock; the upper ends of the pile plank are to be fitted so as to make a water tight joint with the plank which covers the breast.

The upper mitre sill will have, in addition to the common bolts, bolts of 1¼ inch iron, to pass through the timbers into the wall below. There will be four of these long bolts in each upper mitre sill.

WALLS.—The walls of the Lock are to have the form and dimensions represented in the drawings—they will be vertical on the faces towards the chamber from the head of the Lock to the upper hollow quoin, and from the upper end of the lower recess to the lower end of the walls. The face of the wall bottom between the upper hollow quoin and the upper end of the lower recess, will have a curve at the top of 2 inches—the line of the face of the wall at the bottom will be straight. The outer face of the wall on the river side, will have an inclination or batter of 1½ inches to each foot in height—the back of the wall on the land side of the Lock, will have an inclination (to be made in offsets) of 1½ inches in each foot rise, from the head to a point 20 feet below the upper hollow quoin, and from a point 12 feet above the lower recess to the lower end of the wall. The remaining part of this wall will have an inclination on the back (to be made by offsets) of 2½ inches to each foot in height.

The walls are to be *regular coursed masonry*, the smallest courses are not to be less than 14 inches thick or deep, and they may vary in thickness from 14 to 30 inches. The stones which form the inner faces of the walls, are to be cut smooth on the face, and the beds and joints are to be dressed even, and so as to form right angles with the face, except the beds of the lower course, on each side, which are to be bevelled in such manner as to give the curved part of the wall the desired inclination. The stretchers in the face of the wall are to have beds and joints of not less than 2½ feet in width, measured from the face, back.

The headers in all courses from 14 to 16 inches thick or deep, are to be not less than 2 feet wide from joint to joint, measured horizontally on the face; and in the courses of more than 16 inches in thickness, the headers are to be not less than 2½ feet wide on the face. The beds of the headers are to be dressed evenly throughout, and the joints are to be dressed as far back as the joints of the stretchers will extend. Each header shall extend back into the wall of the full size at least 4½ feet in the smaller courses, and 5 feet in the larger courses, except the headers in the thinner part of the wall, on the land side of the Lock, these are to be of such length as to extend from the face to the stretchers in the back of the wall.

The headers in each course are to be placed at intervals of not more than 10 feet, measuring from centre to centre. The space between them shall be filled with either one or two stretchers—the headers and stretchers in the outer face of the river wall are to be of the same dimensions of those on the inner face: but the faces of those on the outer side are to be bevelled, so as to give the wall the inclination or batter above mentioned. A draught is to be cut around the face of each stone—the middle part may be dressed off with a pick or other tool—the headers in the back of the wall, on the land side of the Lock, are to be of the same dimensions as those in the face, and they are to be placed mid-way between them—the interior of the walls (the backing) is to be made up of stones of the same thickness or depth as the face stones—both beds are to be dressed so as to give even parallel surfaces. The sides are to be dressed with the hammer. The backing stones, generally, are to contain not less than 10 cubic feet—they are to be so arranged in the wall as to break joints, in order to bind the wall strongly together—the mortar joints in the face of the walls are not to exceed 3-16 of an inch in thickness.

When one course shall be laid throughout its whole extent, it must be well grouted, and the whole of the upper bed dressed off to an even horizontal surface, before the commencement of another course—the thickest courses are to be laid in the bottom of the wall, and the thinner courses towards the top, unless otherwise directed by the Engineer.

In each superior course, the headers are to be placed mid-way between the headers in the course below, and the backing stones in each superior course are to be so arranged as to break joints with the backing stones and headers in the course below.

Coping.—The coping, hollow quoins and breast stone, are to be of such compact strong stone as shall be approved of by the Engineer. The coping stones are to be of the dimensions represented in the drawings. They are in all cases to be not less than 18 inches thick—the quoin and breast stones, are to be of such form as the Engineer may direct. They are to contain, each, not less than 20 cubic feet.

The wall of the breast of the Lock above the mitre sill, except under the side walls, may be built of rubble stone of large size and with good beds. Under the mitre sill the wall is to be formed of large stone, with beds and joints cut and fitted in such manner as the Engineer may direct. The face stones are to have the vertical joints normal to the curve of the breast. Holes are to be drilled in this wall to receive iron rods to secure the mitre sills.

The Mortar used in the walls is to be made of hydraulic lime and clean sand, mixed in such proportions, and made in such manner as the Engineer

may direct—the stones are all to be laid in thick mortar—thin mortar or grout, is to be used for filling up the joints and cavities after each course shall be laid. All the grout used, shall first be made into thick mortar, well mixed, and afterwards reduced to the proper consistency by the addition of water.

CULVERTS.—The side culverts will open into the wall about 6 feet above the quoin; the opening will be 2½ feet square, and extend horizontally into the wall 7 feet. A vertical shaft 2½ feet square will descend from the bottom of the horizontal part of the sluice to the top of the lower course of masonry, where a stone will be cut with a concave surface so placed as to change the direction of the water towards the part of the sluice which runs parallel with the Lock—the opening at the lower end of the sluice or culvert will be 4 feet below the end of the breast wall—when the rock shall be found not sufficiently solid to form the bottom of the sluice, a plank bottom is to be inserted.

CAPSTAN WELLS.—The capstan wells are to be placed 4 feet back from the face of the wall, as represented in the drawings. From the bottom of the coping, to the bottom of the well, they are to be 18 inches square, the part through the coping is to be enlarged to receive the cast iron frame of the wheel and pinion. A plate of cast iron with a socket to receive the end of the capstan shaft, is to be built into the bottom of each well, when the Lock wall is laid. The plate is to be laid upon a stone of large size, and secured to it by bolts, as represented in the drawings. Holes, 1½ inches in diameter, and 6 inches deep, are to be drilled into the stone and filled up with a seasoned locust plug, the spikes are to be driven into these plugs; the opening from the bottom of the well, to the face of the wall, is to be 18 inches wide, and 18 inches high at the end next to the well. The bottom of this opening will have a descent from the well outward, of 2 inches in each foot; the lap will be horizontal. A bar of iron four inches wide, and 1 inch thick, will be laid in the wall on a level with the bottom of the capstan drum, and 1 foot back from the face of the lock wall. This bar of iron will extend 1 foot at each end into the wall. It will be let into the lower stone, so that the upper surface of the bar may be level with the surface of the stone.

CAPSTAN.—The shaft, drum, wheel and pinion, to be placed in each capstan well, are to be of cast iron. They are to have the form and dimensions represented in the accompanying drawings. The gudgeons and journals are all to be turned and well fitted to the boxes.

CHAINS.—There will be three chains to each gate; one to open, one to shut it, and one about 6 feet long to secure it in its place, when required to be opened during a freshet. The chains will be made of ½ inch round iron, with short links partially twisted. The chains for drawing open the gates, will be fastened to the mitre post, by a staple-bolt inserted near the surface of the water. The chains for closing the gates, will be attached near the bottom of the Lock at the lower gates, and near the top of the mitre sill at the upper gates; these chains will be attached to the mitre post, by a ½ inch iron rod, passing through eye bolts and fastened at the top by a key. The chains will be fastened to the drums by a staple-bolt as represented in the drawings.

GATES.—The frames of the gates are to be made of the best quality of white oak timber, seasoned at least one year. The dimensions of each tim-

ber is given in the drawings and bill of materials. The gate bars are to be framed into the mitre and quoin posts by double tenons on each end. The tenons and mortices will be of the dimensions represented in the drawings. All the timbers are to be planed smooth: The joints are to be strengthened by plates of iron, (T's. + L's.) let into each face of the timber, and secured by $\frac{3}{4}$ inch screw-bolts. A band of iron is to be put upon the top and bottom of each quoin and mitre post: the bands are to be driven on to the ends of the posts, and secured by driving wedges into the ends of the timber.

There will be three cast iron paddle gates, each 30 inches square in each Lock gate. They will be placed between the lower bars in the manner represented in the drawings. The rods and irons with which they are secured and worked are shown in the drawings.

A cast iron box with a socket, is to be let into the bottom of the quoin post and fastened with wedges. A pedestal, with a pivot to fit into this socket, is to be placed upon the lower course of plank and secured by bolts. This pivot and socket will form the hinge for the bottom of the gate. The upper end of the quoin post will be supported by an iron collar, secured by anchor bolts in the manner represented in the drawings.

Roller-Way.—A piece of white oak timber 14 inches wide and 8 inches thick, cut so as to form the proper curve, is to be spiked to the lower course of plank in the bottom of the Lock, for a roller-way for each gate. The upper corners of this timber are to be bevelled off, and a bar of iron 4 inches wide and 1 inch thick, is to be fastened on to the centre of the timber. The spikes with which the iron is fastened, will be countersunk, so that the surface of the way may be smooth. The roller, and the pillow-block for securing it to the bottom gate bar, will be made of cast iron. The pillow-block will be let into the bottom bar and fastened by screw-bolts. The axle of the roller will be made of wrought iron, and the gudgeons turned in the roller. It will be secured in the pillow-block by staple-bolts, as represented in the drawings.

All the irons about the gates, and their fixtures will be made of the size and form represented in the accompanying drawings.

Cramp Irons.—The coping of the Lock walls is to be secured by a line of bars of iron, 2 inches wide and $\frac{1}{2}$ an inch thick, let into the stone on a line 18 inches back from the face of the wall. Holes 6 inches deep, and $1\frac{1}{4}$ inches in diameter are to be drilled into the coping under the line of bars at intervals of 18 inches, or less when the joints may render it necessary. A seasoned locust pin, with a small hole, lengthwise through the centre, is to be driven into each hole. Holes are to be made in the bars to correspond with the holes drilled in the coping, and an iron-spike $\frac{3}{8}$ of an inch in diameter, and 5 inches long, is to be driven through each hole in the bar into the locust pin in the coping. A spike will be put in at the end of each bar. The bars are to be regulated so as to make joints in the middle of each coping stone.

At the recesses for the gates, the lines of bars are to pass each other, or lap $2\frac{1}{2}$ feet. At the ends of the walls, the bars are to be curved to correspond with the face of the wall. A line of cramp bars are to be put on along the outer face of both walls, in the same manner as they are put on along the inner faces.

Second course of bottom Plank.—After the walls are built, and the mitre sills and roller-ways are put down, the bottom of the Lock at the lower

end, as far as the 14 inch timbers extend, and the breast, are to be covered with 2 inch seasoned white pine or white oak plank. The plank are to be jointed at the edges and ends, and when laid, they are to be so fitted to the walls, mitre sills, roller-ways, &c. as to make water-tight joints. The plank are to be laid lengthwise of the Lock—and they are to be secured with hammered iron spikes ½ an inch square and 12 inches long, put in, in the proportion of two spikes to every third timber in each plank. The spikes are to be driven so as to pass into the centre of the 14 inch timbers

PLANKING GATES.—The gates are to be covered with 3 inch yellow pine plank, put on in pieces not more than 8 inches wide—the plank are to be well seasoned, planed, and jointed at the edges. They are to be carefully fitted into the rabbits of the bars and posts, and secured with hammered iron spikes ⅜ of an inch square, and 7 inches long, put in the proportion of two to each timber or each plank.

The gates are to be painted with such kind of paint as the Engineer may direct. The iron work is all to be covered with the kind of black varnish commonly used for painting iron.

FLOOD GATES.—A body of crib work 48 feet long, and equal in width to the with of the Lock, including walls, is to be built up to within 3½ feet of the bottom water-line of the upper level. The cribs are to be 5 feet square, measuring from centre to centre of timbers. The timbers upon which the floor of the gate chamber is to be fastened, are to be hewn square, and strongly secured to the timbers below them. They are to be placed 2½ feet from centre to centre. The floor of the part of the gate chamber under the lower gate, will have a slope or inclination up stream of one foot. The remaining part of the floor between the end of the lower gate and the timber A under the quoin of the upper gate, will rise one foot.

The floor of the lock chamber is to be made of two courses of plank, the lower course to be 3 inches thick and the upper one 2 inches. The plank are to be laid so as to make water-tight joints, and secured to the timbers which support them with spikes ½ an inch square and 12 inches long, put in the proportion to three to each timber in each plank.

After the timbers A, A, &c. are laid and secured, a hollow quoin is to be formed of the pieces D and C. These pieces are to be strongly spiked through the floor into the timbers below, and to the timber A—and they are to be cut out so as to make a close joint with the cylindrical side of the quoin timber B.

The crib work at the sides, is to be carried up as high as the top of the Lock wall. The inner faces are to be covered with 2 inch plank jointed at the edges and fitted to the floor below so as to make water tight joints. These plank are to be fastened to the crib timbers with hammered iron spikes ⅜ of an inch in diameter, and 7 inches long. The parts of the sides of the cribs above the line indicated by the opened or raised gates, are to be covered in addition to the 2 inch plank, with a course of 4 inch plank, secured to the crib timbers with hammered spikes ½ an inch square and 12 inches long, put in in the proportion of two to every horizontal crib timber in each plank.

A floor similar to the gate chamber is to be laid in the bottom between the quoin of the upper gate and the upper end of the crib work.

The gates are to be made of three courses of 4 inch plank, the middle

course to be laid crosswise of the Lock, as shown in the drawings. The quoin timbers B are to be 12 by 18 inches square. The plank which form the gates are to be closely fitted together, so as to make water-tight joints, and they are to be fastened with spikes ½ an inch square and 13 inches long—the spikes are to be tapered at the point in order that they may be bent down and clinched in the wood. The spikes are to be put in in the proportion to one to each foot, in each upper plank. The ribs E are to be secured by screw-bolts 19 inches long and 7-8 of an inch square.

Gudgeons are to be made on the ends of the timber B, of as large diameter as the stick will permit, and journals will be made at intervals of 5 feet. The gudgeons are to work in, and be secured by timber boxes; wrought iron collars made of iron bars 4 inches wide, and 1 inch thick, are to be put upon each journal. The ends of the bar which form the collar, will pass down through the floor and through the timbers below, and be secured by large iron keys.

The space between the sides of the gates and the 2 inch plank facing, will be ½ an inch. The lower ends of the 4 inch plank are to be cut off even to receive the gates, when raised or open.

A horizontal sluice or passage for water 10 feet wide and one foot high, is to be made through the cribwork on the river side. The bottom of the sluice is to be on the same level as the bottom of the floor of the gate chamber, and it is to be so placed as to open between the rib timbers E E in the lower gate. The top, bottom and sides of this sluice are to be made of 2 inch plank. It may be divided into two parts by a piece of timber 12 inches square, placed lengthwise of the sluice. The opening into the gate chamber, will be 8 feet long, and 10 inches high. It will be opened and closed by a sliding gate of wood. A sluice will be made in the crib work on the opposite side, 2 feet square. It will open opposite the middle of the gate, and the bottom of the opening will be on a level with the floor; this sluice will pass around the lower gate, and the opening for discharge will be on a level with the floor of the breast-wall, near the head of the Lock wall; the sluice will be provided with a common cast iron paddle gate, to be opened and shut by a rod similar to that of a common paddle gate.

A cast iron pulley is to be placed in each side of the upper gate, back of, and near the ribs F F; this pulley or sheave will be 8 inches in diameter, the axle will be of wrought iron, and 2 inches in diameter. A pulley or sheave of the same size will be fixed in the top of the crib work over the apex of the gates when they are open. A chain with short links made of 1-2 inch iron, is to be fastened by a strong staple-bolt to the end of the lower gate, it will pass over the pulleys in the upper gate, and on the top of the crib work, and be attached to a windlass or capstan to be constructed in the top of the crib work. A chain of this kind will be required on each side to open the gates when the mitre gates of the lock are closed.

The slide gate to admit the water into the gate chamber, will be made of wood with plates of iron in the face of the gate and in the face of the gate seat, so adjusted, that when the slide gate shall be opened and shut, the iron plates shall form the rubbing surfaces. A rod of iron one inch square, and long enough to extend from the gate to the top of the crib work, is to be inserted in each end of the slide gate, to raise it with. The rods are each to be provided with a ring in the head to insert a lever.

CRIB WORK ABOVE AND BELOW LOCK.—A wall of crib work, as represented in the drawings, will be extended above the crib work of the flood gate, on the river side, to such distance as the Engineer may deem necessary to form a secure entrance for boats, &c., and a similar wall of crib work, will be constructed from the foot of the lock on the river side, to extend down at least 150 feet, and further if the Engineer shall consider it necessary. The walls of crib work will have the same batter on the outer side, as the river side of the lock wall. The faces towards the boat channel are to be vertical, and the timbers are to be hewn on the face. The width of crib work on the top will be 10 feet. It will be formed of three ranges of longitudinal timber, one to form each side and one through the centre, connected together by ties of sufficient length to pass through the walls, placed at intervals of 7 feet measured from centre to centre. The ends of the ties are to be fitted into the face timbers with a dove tail joint.

Each dove tail joint and each point where the timbers cross each other in any part of the crib work, above or below the lock, is to be secured with a 3-4 inch iron bolt, 22 inches long, or with a locust tree nail 2 inches in diameter and 22 inches long. Iron bolts are to be used above the water near the top of the crib work.

STONE FILLING.—The cribs are to be filled with rubble stone closely packed in, to within two feet of the top of the crib work. The balance of the top of the cribs are to be filled with flat stones, at least 2 feet long or deep, placed edgewise in courses across the wall, so as to form a pavement 2 feet deep. These stones are to be closely fitted, and the last course in each crib is to be driven in with a mall or ram.

A wall of crib work will be placed on the land side of the boat channel, whenever the shape of the shore may require it. Its form and manner of construction will be such as the Engineer may deem best adapted to suit the ground.

DAM AND ABUTMENTS.—The length of the base of the dam, when the lock has a lift of 14 feet or less, when built upon a rock foundation, will be 66 feet; when the foundation is gravel, or other soft material, or when the lock may be of greater lift, the base of the dam will be increased to such length as the Engineer may deem necessary for its security on the up stream side; the slope of the dam will have a base of 5 feet, to each foot in height, and on the lower side, the slope will have a base of 2 1-2 feet to each foot in height.

When the foundation is rock, the sand, gravel and loose stones are to be removed as far as the Engineer may consider it necessary. The ties, or timbers which lie in the direction of the stream, are to be laid down at intervals of 8 feet, measuring from centre to centre. They are, if practicable, to be of a length equal to the length of the base of the dam. They are to be laid with the largest end down stream, to be fitted to the rock, and when directed, to be secured to it with iron bolts. When the rock is solid, but presents an uneven surface, the timbers are to be cut to such length and thickness as to adapt them to the surface of the rock. The range timbers are to be placed at the distances from each other, represented in the drawings, they are to be notched on the ties by cutting away both timbers so as to give a bearing of at least one superficial foot. The largest timbers are to be placed towards the lower side, and the smaller timbers in the upper side of the dam.

The outer faces of the timbers which form the upper and lower ranges are to be hewn, and the whole of the upper face of the crib work is to be made smooth to receive the sheet piling. The range timbers upon which the covering is to placed, are to be hewn on the side upon which the covering will rest. The large range timbers to which the lower covering timbers are to be fastened, are to be secured in their places by closely fitted dove tail joints, made with the ends of the ties. Each dove tailed joint, and each point of contact, where the timbers cross each other, in the part of the dam below the weir, is to be secured by an iron bolt, 3-4 of an inch square, and not less than 22 inches long. Each joint and point of contact, above the weir of the dam, except in the timbers upon which the covering is to rest, and in the two upper courses at the top of the dam, is to be secured or fastened by a locust tree nail 2 inches in diameter and not less than 22 inches long. The upper range timbers upon which the covering timbers rest, with the two courses above mentioned, are to be fastened with iron bolts.

The cribs are to be filled with rubble stone, closely packed in, the largest stones are to be put into the lower cribs, or those along the lower side of the dam.

Sheet Piling.—A double course of sheet piling is to be placed along the upper side of the dam, and along one end, as represented in the drawings. The planks are to be arranged so as to break joints, and to be so put together as to be water-tight. The piling is to extend down to the rock, and the top is to be cut off and fitted so as to make a water-tight joint with covering.

Covering.—The upper slope is to be covered with white oak timbers, 6 inches thick, and not less than one foot wide. The timber is to be sawed or hewn square; the sides are then to be bevelled or cut off, so that when the pieces are laid together, the joints shall be close at the bottom, and ½ an inch open at the top. The upper covering timbers shall be at least 24 feet long—and each piece shall be secured to the range timbers with spikes 3-4 of an inch in diameter, and 14 inches long, put in in the proportion of three to each piece of timber, except the pieces which form the weir or comb of the dam, in each of which, four spikes are to be used.

The lower slope is to be covered with white oak timbers eight inches thick, not less than 1 foot wide, and of the same length as the slope. They are to be hewn square and put on as represented in the drawings. The joints may be open 1-2 an inch. Each timber is to be fastened to the range timbers with five spikes of the size above mentioned, to be put in at such points as the Engineer may direct. The heads of the spikes are to be sunk 2 1-2 inches below the upper surface of the timber.

The timbers used in building the crib work of the dam are to be not less than 33 feet long, and 1 foot in diameter at the smallest end. All the timbers in the part of the dam above the surface of water, below the lock, are to be of white oak; the timbers below the water may be oak, beeck, walnut, or any other strong timber that may be approved of by the Engineer.

Abutments.—The outside wall of the lock will form the abutment at the end of the dam, which abuts against it. On the opposite shore, where the bank consist of rock, the face is to be dressed, or cut off so that the dam timbers may be fitted to the rock, in a manner to make a tight joint and to give them sufficient stability. When the bank consist of sand, clay, gravel, or other loose earth, an artificial abutment is to be constructed either of rubble

wall, or crib work. Where a rock foundation can be obtained by excavating not exceeding 8 feet below low water of the river, an abutment of coursed rubble masonry will be built, of the form and dimensions represented in the drawings. The rock upon which the wall is to be laid, will be dressed off to an even horizontal surface. The lower course will be not less than 18 inches thick, each stone in the face of the lower course will be not less than 2 feet wide and 4 feet long, or it will extend 4 feet into the wall. The courses above will be not less than 8 inches thick. Headers 2 feet wide and 4 feet long are to be placed in each course, in the face of the wall, at intervals of 8 feet, measuring from centre to centre. The beds of the stretchers are to be 2 feet wide. The beds of the headers and stretchers are to be dressed with the hammer, so as to give them even surfaces. The backing stones are to be of large size and good shape, and generally of the same thickness as the course. The coping stones are to be 18 inches thick, with both beds dressed with a pick or other tool, so as to give them even surfaces. The coping stones are to be of the form represented in the drawings. Each stone shall contain not less than 20 cubic feet. The coping stones are to be secured with cramp irons in the same manner as the lock coping.

The abutment walls are to be laid in mortar, made of hydraulic lime and clean sand; each stone is to be well imbedded in mortar, and when a course shall be laid, the joints are to be carefully filled with grout.

Where a rock foundation cannot be obtained, by excavating to the depth above mentioned, an abutment of crib work is to be built, of such form and extent, as the character of the bank, after it shall be opened, may seem to require. The cribs for the abutments will be made of white oak timber not less than 1 foot in diameter. The timbers which form any front of the crib, are to be hewn on the face; the ties are to be dove tailed into the face timbers, and secured by spikes of the size used in the covering of the dam. They may be notched on the range timbers in the middle and back part of the cribs, and secured by locust pins. A pin or spike is to be put into each point of contact of the timbers, and into each dove tailed joint. The cribs are to be filled with rubble stone, closely packed, to within 2 feet of the top, this 2 feet is to be filled with flat stones, set edgewise, similar to the stones in the tops of the cribs above and below the lock.

In situations where the abutment will not entirely protect the bank against the action of the water, a slope wall made of flat stones not less than 2 feet long or deep, laid with the beds at right angles to the face of the wall, is to be built above and below the abutment whenever directed by the Engineer. When the bank is soft and liable to wash, a layer of gravel or small stone is to be placed under the wall.

After the ends of the dam are raised to the desired height, and covered, and the abutments are finished, a piece of crib work is to be constructed upon each end of the dam, from 5 to 7 feet high at the abutment, and to run to a point at the distance along the weir, of 35 feet. This crib work is to be strongly bolted to the dam, and to be covered with oak timbers of the same thickness as the timbers which cover the lower slope of the dam, and of such length as the Engineer may direct.

PILES.—Where any part of the dam shall be placed on a foundation of gravel, whose depth shall be regarded as great enough to require them, round piles not less than 10 inches in diameter, are to be driven through the gravel, and if possible, to the rock below. The piles are to be driven,

as near together as practicable, in ranges across the river: the number of ranges are to be determined by the quality of the river bottom.

Gravelling.—When the sheet piling along the upper side of the dam shall be put in, and the covering timber put on, the space above the dam shall be filled with gravel of a kind and quality to be approved by the Engineer. The gravel shall extend up from the dam 50 feet, and it shall be of the depth represented in the drawings.

The space back of the lock wall, on the land side, is to be filled with gravel, or gravel and clay mixed, well packed with a ram. The space behind the abutment is also to be filled with gravel when directed.

All the materials furnished for the lock, dam, abutments and their fixtures, shall be of the best quality, particularly the timber for the gates and mitre sills of the lock, and the iron work for the lock. Any materials delivered at or near the site of the works, which may be condemned or considered unfit for use by the Engineer, or by the person who may be charged with the superintendence of the work, in the absence of the Engineer, shall be forthwith removed by the contractor to a distance beyond the reach of the workmen.

Any materials or labor, not particularly described in the above specification, and which may be required to complete and finish an ordinary lock, dam, and abutments, of the kind represented by the drawings and by these specifications, shall be furnished or performed by the contractor, at his expense; and any material or labor which may be required by the Engineer, not described in these specifications or represented in the plan, and which does not belong to such ordinary lock, dam, &c., shall be furnished and performed by the contractor, and he shall be paid for such materials and labor at the Engineer's estimate.

Notice.—Persons who offer proposals for the locks and dams, are requested to take notice that all the materials and workmanship described or mentioned in the above specifications, and to be applied to the works, are to be of the kind and quality therein described, and that no relaxation, whatsoever, of the conditions stipulated, will be permitted, unless the Engineer may deem it expedient, and in such case, if the modification allowed, shall diminish the value of the work, a corresponding deduction shall be made in the price.

ARTICLES OF AGREEMENT,

Entered into this twenty-fourth day of October, A. D. one thousand eight hundred and thirty seven, by and between the Commonwealth of Kentucky, by Chilton Allan, James R. Skiles and Archibald Wood, contituting the Board of Internal Improvement and agents for the said Commonwenlth, of the first part, and Seneca Palmer and David Guiou, both of the city of Cincinnati, of the second part:

Witnesseth, That for and in consideration of the payments and covenants, hereinafter mentioned, to be made, the said party of the second part do hereby covenant, agree, and engage to furnish all the materials, except hydraulic lime, and perform all the labor necessary to build and construct the dam and lock No. 1, of the Licking River Navigation, together with the

abutments, walls, crib work and all the fixtures represented in the drawings, and described in the specifications of the said dam and lock; which drawings and specifications are deemed and taken as part of this contract, and all the walls, crib work, or other fixtures which may be directed by the Engineer having charge of the work.

In consideration of the work so to be done and executed, it is agreed and understood that there shall be paid by the said Commonwealth, to the said party of the second part, as follows:

For regular masonry in the lock walls, eight dollars and fifty cents per perch of 25 cubic feet.

For rubble masonry in the breast of the lock, two dollars and seventy five cents per perch of 25 cubic feet.

For coursed rubble masonry in the dam abutments, three dollars and seventy five cents per perch of 25 cubic feet.

For slope walls and pavements, one dollar and seventy five cents per perch of 25 cubic feet.

For wood work of the lock, including gates, foundations, planking, and all wood work represented in the drawings, or described in the specifications, (except the six inch floor in the upper part of the chamber,) a gross sum of twelve hundred dollars.

For wrought iron work, including gate irons, chains, spikes, and all other wrought iron about the lock and flood gates, except the spikes in the crib work, twelve cents per pound.

For cast iron work in the lock and flood gates, including capstans and wheels, seven cents per pound.

For flood gates, including plank and timber for the gates, plank for floors, and lining for the sides of the cribs, thirty five dollars per one thousand feet, board measure.

For the wood work in the floor of the upper part of the lock chamber, a gross sum of three hundred and fifty dollars.

For the dam twenty feet high, measured from the bottom of the river, to the comb or weir of the dam, and sixty six feet long in the base, including timber of all kinds, sheet piling, stone filling, spikes, tree-nails, the quantity of gravelling represented on the drawings, and labor of every description, fifty two dollars per foot in length of the comb or weir, measured between the abutments.

For timber in the crib work above and below the lock, in the abutments, and in any addition that may be made to the height or length of base of the dam, ten cents per foot lineal.

For stone filling in do. seventy five cents per cubic yard.

For iron spikes and bolts in do. ten cents per pound.

For gravelling put on in addition to the quantity specified above, or shown in the drawings, and for the gravel or loose small stone under the slope walls, and behind the lock walls, forty five cents per cubic yard.

For solid rock excavation above low water of the river, one dollar per cubic yard.

For excavation of sand, clay, and all other materials, except solid rock, above low water of the river, twenty cents per cubic yard.

For excavation of solid rock below low water of the river, two dollars per cubic yard.

For excavation of sand, clay, gravel and all other materials, except solid rock, below low water of the river, thirty three and one third cents per cubic yard.

For embankment, per cubic yard, twenty five cents.

It is understood, that the prices affixed to the above items, are intended to include materials and labor of every description required to fit and put them in the work. The plank, timber, and all other materials paid for by measure or weight, shall be estimated, or the quantities shall be determined by the dimensions of the timber or other item, as it lies in the work, when finished.

No allowance will be made for bailing water, and no extra allowance will be made in any case, for the performance of this contract beyond the sum stipulated therein, except for additional, or extra work.

It is further agreed, that any items of work that may necessarily occur in, or about the lock and dam, not already specified in this contract, or represented in the plan, or described in the specification, and which may be directed to be done by the Engineer, shall be estimated by him, and paid for according to its value; and it is further understood by the parties, that all stone taken from the excavation of the pits or foundation of the dam, except such as may be used in the work, shall be the property of the Commonwealth of Kentucky, and not of the contractor, and may be disposed of by the Board of Internal Improvement as it may think proper.

The payments are to be made in the following manner:—On or about the first of February next, ensuing the date of this contract, the resident Engineer shall make an estimate of the value of materials delivered, and of work done, and upon his certificate being presented to the President of the Board of Internal Improvement, the same shall be paid; and on the first day of March next, a like estimate shall be made by the resident Engineer of materials delivered, and work done after the first estimate aforesaid, and upon his certificate being presented to the President of the Board of Internal Improvement, the same shall be paid, reserving therefrom, ten per cent., which shall be retained by the party of the first part, as security for the faithful performance of the work, until the same shall be completed, unless directed to be paid by the Board of Internal Improvement; and on the first day of each succeeding month, the resident Engineer shall, in like manner, estimate the amount and value of work done, and on the presentation of his certificate, eighty seven and a half per cent. of the amount shall be paid, and the balance retained for security, as before.

When the lock, dam, and other works connected with them, shall be completed and finished, according to the contract, plans, specifications and directions of the Engineer, or within thirty days thereafter, the amount and value of all the work and materials shall be estimated by the resident Engineer, and on the presentation of his certificate, approved and signed by the Chief Engineer, to the President of the Board of Internal Improvement, the balance, including the amounts from time to time retained, shall be paid.

It is further agreed, that the Commonwealth shall furnish all the hydraulic lime required to build the walls of the lock and abutments, to be delivered at some convenient point, at, or near the work, where the contractor shall receive it, and deposit it in some house, shed, or other building, where it will be preserved from injury by wet or exposure to the air; and if any of the hydraulic lime shall be injured by his neglect, while in pos-

session of the contractor, the amount of injury sustained, shall be charged to him, and be deducted from his estimate.

And it is further understood, and agreed, that this contract, or any part thereof, shall not be transferred, sub-let in any manner, or under any pretence whatsoever, except for the procuring of materials.

And it is further agreed, that the said party of the second part, shall be liable and responsible for any damage, or trespass, done or committed by any persons in their employ; and shall dismiss from their service and employment, any disorderly or quarrelsome person, who shall wantonly commit any trespass, either upon the person, or property of any citizen of this Commonwealth, or be guilty of any offensive misconduct whatever, and, at any time, the said party of the second part, do covenant, promise, and agree, to dismiss from their service, all, and any, and every person, or persons, employed by, or under them whenever thereto directed by the Engineer.

And it is further understood and agreed, that said party of the second part, shall commence the said lock and dam within sixty five after the date of this agreement; and it is further understood, and agreed, that the said party of the second part shall, and will, in all and every thing and matter, conform to the orders and directions of the Chief Engineer, resident Engineer, or other person having charge of the work, and do, and execute all the work in the said contract mentioned in the mode and manner directed by them. And to be governed by their directions in raising the dam, so as not to prejudice others in like works above. And whenever the said Engineer may, and shall think proper to change, alter, enlarge or alter the amount of work, or location of the work on this contract, he shall have full power and authority to do so, and the said party of the second part, do bind themselves to faithfully observe and obey his instructions and directions touching such change, alteration, enlargement or lessening, and when the same is done, the said Engineer shall have full power to make such addition to, or deduction from the amount agreed to be paid for the work, as, in his opinion, may be just and equitable.

It is further understood and agreed by the parties, that in case the dam and lock shall not be commenced within the time above stated, or if, at any subsequent period, the party of the second part should, in the opinion of the Chief Engineer or resident Engineer, refuse or neglect to prosecute this contract with a force proportionate to the quantity of the work to be done, and the period in which it is to be completed, or shall sub-contract, or relet said lock and dam, or any part thereof; or shall not give personal superintendence to the work, or shall refuse, at any time, to conform to the directions and instructions of the Chief Engineer, resident Engineer or Superintendent of the work, or shall violate, in any way, or manner, any of the stipulations, provisions, or conditions of this contract, the Chief Engineer, and resident Engineer, shall have power to declare this contract forfeited and *null and void*, and on their declaration, the same shall cease and determine forever, and as if it had never been made, and they may proceed to re-let the same: and in case of such declaration of forfeiture, the said Commonwealth are to retain the retained per centage forever, as compensation for damages which it is hereby agreed by the parties thereto that the Commonwealth shall be entitled to, in consequence of the failure of the party of the second part to perform the stipulations of the contract.

And it is further understood, that the decision of the Chief Engineer and resident Engineer, shall be final and conclusive in all disputes, matters and things, relating to this contract; and each and every of the said parties do hereby waive any right of action, suit or suits, or other remedy in law, or otherwise, by virtue of the said covenants, so that the decision of the said Engineer shall, in the nature of an award, be final and conclusive on the rights and claims of the parties.

It is further agreed and explicitly understood, that if, during the existence of this contract, a general estimate shall be made of the amount of labor done on the works of the Licking River Navigation, and it shall appear that the value of the same has equalled or exceeded the amount specifically appropriated or set apart by the Commonwealth for this purpose, the party of the second part shall not demand from the said Commonwealth, any payment of the moneys beyond the regular proportion of said appropriation, the same to be regulated agreeably to the estimate presented, the balance, including the retained per centage, to remain until provisions shall be made for its adjustment, subject to the orders and directions of the Board of Internal Improvement.

All timbers, buildings, or fences, at or near the locks and dams, shall be considered as the property of the land holder, and the party of the second part shall be held responsible for the safe keeping of the same, from the depredations of his agents, hands and laborers.

It is further understood and agreed, that in any case the party of the second part shall execute any portion of the work defectively, and if the imperfection is not of sufficient magnitude to require, in the opinion of the Engineer, the taking up and re-building of the imperfect part, the said Engineer shall have power to make any deduction or deductions he may think proper, from the stipulated price or prices, for such work.

The party of the second part, do hereby promise and agree to finish and deliver up this contract, on or before the thirteenth day of November in the year one thousand eight hundred and forty.

It is agreed and understood, that one third part of the price of the aforesaid work, is to be paid in the bonds or scrip of the State of Kentucky, to be issued by the Governor, agreeably to the existing laws of the State, and the residue of the price in the notes of the Banks of Kentucky. But the first three estimates are to be paid in said Bank notes, and the subsequent payments are to be so made, as by the completion of the contract, the proportions are to be as above—two thirds in notes of the Banks, and one third in scrip.

In witness whereof, the parties have hereunto set their hands and seals, the day and year above written.

(Signed,) CHILTON ALLEN,
President of the Board of Internal Improvement, and Agent for the State of Kentucky.
JAMES R. SKILES, ARCH'D WOODS, } *Agents, &c.*

SENECA PALMER,
DAVID B. GUIOU.

Witnesses present:
Sylvester Welch,
N. B. Buford.

ARTICLES OF AGREEMENT,

Entered into this twenty fourth day of October, A. D. one thousand eight hundred and thirty seven, by and between the Commonwealth of Kentucky, by Chilton Allen, James R. Skiles and Archibald Wood, constituting the Board of Internal Improvement and agents for the said Commonwealth, of the first part, and Seneca Palmer and David B. Guiou, both of Cincinnati, of the second part,

Witnesseth, That for, and in consideration of the payments and covenants hereinafter mentioned, to be made, the said party of the second part do hereby covenant, agree, and engage to furnish all the materials, except hydraulic lime, and perform all the labor necessary to build and construct the Dam and Lock No. 2, of the Licking River Navigation, together with the abutments, walls, crib work, and all the fixtures represented in the drawings, and described in the specifications of the said Dam and Lock; which drawings and specifications are deemed and taken as part of this contract, and all the walls, crib work, or other fixtures which may be directed by the Engineer having charge of the work.

In consideration of the work so to be done and executed, it is agreed and understood that there shall be paid by the said Commonwealth, to the said party of the second part as follows:

For regular masonry in the lock walls, eight dollars per perch of 25 cubic feet.

For rubble masonry in the breast of the lock, two dollars and seventy five cents per perch of 25 cubic feet.

For coursed rubble masonry in the dam abutments, three dollars and seventy five cents per perch of 25 cubic feet.

For slope walls and pavements, one dollar and seventy five cents per perch of 25 cubic feet.

For wood work of the lock, including gates, foundations, planking, and all wood work represented in the drawings, or described in the specifications, (except the 6 inch floor in the upper part of the chamber,) a gross sum of twelve hundred dollars.

For wrought iron work, including gate irons, chains, spikes, and all other wrought iron about the lock and flood gates, except the spikes in the crib work, twelve cents per pound.

For cast iron work in the lock and flood gates, including capstans and wheels, seven cents per pound.

For flood gates, including plank and timber for the gates, plank for floors, and lining for the sides of the cribs, thirty five dollars per one thousand feet, board measure.

For the wood work in the floor of the upper part of the lock chamber, a gross sum of three hundred and fifty dollars.

For the dam twenty five feet high, measured from the bottom of the river, to the comb or weir of the dam, and sixty six feet long in the base, including timber of all kinds, sheet piling, stone filling, spikes, tree-nails, the quantity of gravelling represented on the drawings, and labor of every description, fifty eight dollars per foot in length of the comb or weir measured between the abutments.

For timber in the crib work above and below the lock, in the abutments,

and in any addition that may be made to the height or length of base of the dam, ten cents per foot lineal.

For stone filling in do. seventy five cents per cubic yard.

For iron spikes and bolts in do. ten cents per pound.

For gravelling put on in addition to the quantity specified above, or shown in the drawings, and for the gravel or loose small stone under the slope walls, and behind the lock walls, forty five cents per cubic yard.

For solid rock excavation above low water of the river, one dollar per cubic yard.

For excavation of sand, clay, and all other materials, except solid rock, above low water of the river, twenty cents per cubic yard.

For excavation of solid rock below low water of the river, two dollars per cubic yard.

For excavation of sand, clay, gravel and all other materials, except solid rock, below low water of the river, thirty three and one third cents per cubic yard.

For embankment per cubic yard, twenty five cents.

It is understood, that the prices affixed to the above items, are intended to include materials and labor of every description required to fit and put them in the work. The plank, timber, and all other materials paid for by measure or weight, shall be estimated, or the quantities shall be determined by the dimensions of the timber or other item, as it lies in the work, when finished.

No allowance will be made for bailing water, and no extra allowance will be made in any case, for the performance of this contract beyond the sum stipulated therein, except for additional, or extra work.

It is further agreed, that any items of work that may necessarily occur in, or about the lock and dam, not already specified in this contract, or represented in the plan, or described in the specification, and which may be directed to be done by the Engineer, shall be estimated by him, and paid for according to its value; and it is further understood by the parties, that all stone taken from the excavation of the pits or foundation of the dam, except such as may be used in the work, shall be the property of the Commonmonwealth of Kentucky, and not of the contractor, and may be disposed of by the Board of Internal Improvement as it may think proper.

The payments are to be made in the following manner:—On or about the first of February next, ensuing the date of this contract, the resident Engineer shall make an estimate of the value of materials delivered, and of work done, and upon his certificate being presented to the President of the Board of Internal Improvement, the same shall be paid; and on the first day of March next, a like estimate shall be made by the resident Engineer of materials delivered, and work done after the first estimate aforesaid, and upon his certificate being presented to the President of the Board of Internal Improvement, the same shall be paid, reserving therefrom, ten per cent., which shall be retained by the party of the first part, as security for the faithful performance of the work, until the same shall be completed, unless directed to be paid by the Board of Internal Improvement; and on the first day of each succeeding month, the resident Engineer shall, in like manner, estimate the amount and value of work done, and on the presentation of his certificate, eighty seven and a half per cent. of the amount shall be paid, and the balance retained for security, as before.

When the lock, dam, and other works connected with them, shall be completed and finished, according to the contract, plans, specifications and directions of the Engineer, or within thirty days thereafter, the amount and value of all the work and materials shall be estimated by the resident Engineer, and on the presentation of his certificate, approved and signed by the Chief Engineer, to the President of the Board of Internal Improvement, the balance, including the amounts from time to time retained, shall be paid.

It is further agreed, that the Commonwealth shall furnish all the hydraulic lime required to build the walls of the lock and abutments, to be delivered at some convenient point, at, or near the work, where the contractor shall receive it, and deposit it in some house, shed, or other building, where it will be preserved from injury by wet or exposure to the air; and if any of the hydraulic lime shall be injured by his neglect, while in possession of the contractor, the amount of injury sustained shall be charged to him, and be deducted from his estimate.

And it is further understood, and agreed, that this contract, or any part thereof, shall not be transferred, sub-let in any manner, or under any pretence whatsoever, except for the procuring of materials.

And it is further agreed, that the said party of the second part, shall be liable and responsible for any damage, or trespass, done or committed by any persons in their employ: and shall dismiss from their service and employment, any disorderly or quarrelsome person, who shall wantonly commit any trespass, either upon the person, or property of any citizen of this Commonwealth, or be guilty of any offensive misconduct whatever, and, at any time, the said party of the second part, do covenant, promise, and agree, to dismiss from their service all, and any, and every person, or persons, employed by, or under them whenever thereto directed by the Engineer.

And it is further understood and agreed, that said party of the second part, shall commence the said lock and dam within sixty five days after the date of this agreement; and it is further understood, and agreed, that the said party of the second part shall, and will, in all and every thing and matter conform to the orders and directions of the Chief Engineer, resident Engineer, or other person having charge of the work, and do, and execute all the work in the said contract mentioned in the mode and manner directed by them. And to be governed by their directions in raising the dam, so as not to prejudice others in like works above. And whenever the said Engineer may, and shall think proper to change, alter, enlarge or alter the amount of work, or location of the work on this contract, he shall have full power and authority to do so, and the said party of the second part, do bind themselves to faithfully observe and obey his instructions and directions touching such change, alteration, enlargement or lessening, and when the same is done, the said Engineer shall have full power to make such addition to, or deduction from the amount agreed to be paid for the work, as, in his opinion, may be just and equitable.

It is further understood and agreed by the parties, that in case the dam and lock shall not be commenced within the time above stated, or if, at any subsequent period, the party of the second part should, in the opinion of the Chief Engineer or resident Engineer, refuse or neglect to prosecute this contract with a force proportionate to the quantity of the work to be done, and the period in which it is to be completed, or shall sub-contract, or re-let said

lock and dam, or any part thereof: or shall not give personal superintendence to the work, or shall refuse, at any time, to conform to the directions and instructions of the Chief Engineer, resident Engineer or Superintendent of the work, or shall violate, in any way, or manner, any of the stipulations, provisions, or conditions of this contract, the Chief Engineer, and resident Engineer, shall have power to declare this contract forfeited and *null and void*, and on their declaration, the same shall cease and determine forever, and as if it had never been made, and they may proceed to re-let the same: and in case of such declaration of forfeiture, the said Commonwealth are to retain the retained per centage forever, as compensation for damages which it is hereby agreed by the parties thereto that the Commonwealth shall be entitled to, in consequence of the failure of the party of the second part to perform the stipulations of the contract.

And it is further understood, that the decision of the Chief Engineer and resident Engineer, shall be final and conclusive in all disputes, matters and things, relating to this contract; and each and every of the said parties do hereby waive any right of action, suit or suits, or other remedy in law, or otherwise, by virtue of the said covenants, so that the decision of the said Engineer shall, in the nature of an award, be final and conclusive on the rights and claims of the parties.

It is further agreed and explicitly understood, that if, during the existence of this contract, a general estimate shall be made of the amount of labor done on the works of the Licking River Navigation, and it shall appear that the value of the same has equalled or exceeded the amount specifically appropriated or set apart by the Commonwealth for this purpose, the party of the second part shall not demand from the said Commonwealth, any payment of the moneys beyond the regular proportion of said appropriation, the same to be regulated agreeably to the estimate presented, the balance, including the retained per centage, to remain until provisions shall be made for its adjustment, subject to the orders and directions of the Board of Internal Improvement.

All timbers, buildings, or fences, at or near the locks and dams, shall be considered as the property of the land holder, and the party of the second part shall be held responsible for the safe keeping of the same, from the depredations of his agents, hands and laborers.

It is further understood and agreed, that in any case the party of the second part shall execute any portion of the work defectively, and if the imperfection is not of sufficient magnitude to require, in the opinion of the Engineer, the taking up and re-building of the imperfect part, the said Engineer shall have power to make any deduction or deductions he may think proper, from the stipulated price or prices, for such work.

The party of the second part, do hereby promise and agree to finish and deliver up this contract, on or before the thirteenth day of ———.

It is agreed and understood, that one third part of the price of the aforesaid work is to be paid in the bonds or scrip of the State of Kentucky, to be issued by the Governer, agreeably to the existing laws of the State, and the residue of the price in the notes of the Banks of Kentucky. But the first three estimates are to be paid in said Bank notes, and the subsequent payments are to be so made, as by the completing of the con-

tract, the proportions are to be as above—two thirds in notes of the Banks, and one third in scrip.

In witness whereof, the parties have hereunto set their hands and seals, the day and year above written.

CHILTON ALLAN,
President of the Board of Internal Improvement, and Agent for the State of Kentucky,
JAS. R. SKILES,
ARCH'D WOODS,

SENACA BALMER,
DAVID B. GUIOU,

Witnesses present:
SYLVESTER WELCH,
N. B. BUFORD.

ARTICLES OF AGREEMENT,

Entered into this thirty first day of May, A. D. one thousand eight hundred and thirty nine, by and between the Commonwealth of Kentucky, by N. B. Buford, Civil Engineer and agent for the Commonwealth of Kentucky, of the first part, and Robert Williams, of the city of Madison and State of Indiana, of the second part:

Witnesseth, That for and in consideration of the payments and covenants, hereinafter mentioned, to be made, the said party of the second part do hereby covenant, agree, and engage to furnish all the materials, except hydraulic lime, and perform all the labor necessary to build and construct the dam and lock No. 3, of the Licking River Navigation, together with the abutments, walls, crib work and all the fixtures represented in the drawings, and described in the specifications of the said dam and lock; which drawings and specifications are deemed and taken as part of this contract, and all the walls, crib work, or other fixtures which may be directed by the Engineer having charge of the work.

In consideration of the work so to be done and executed, it is agreed and understood that there shall be paid by the said Commonwealth, to the said party of the second part, as follows:

For regular masonry in the lock walls, eight dollars per perch of 25 cubic feet.

For rubble masonry in the breast of the lock, three dollars and fifty cents per perch of 25 cubic feet.

For coursed rubble masonry in the dam abutments, four dollars per perch of 25 cubic feet.

For slope walls and pavements, one dollar and seventy five cents per perch of 25 cubic feet.

For wood work of the lock, including gates, foundations, planking, and all wood work represented in the drawings, or described in the specifications, (except the six inch floor in the upper part of the chamber,) a gross sum of sixteen hundred and fifty dollars.

For wrought iron work, including gate irons, chains, spikes, and all other

wrought iron about the lock and flood gates, except the spikes in the crib work, thirteen cents per pound.

For cast iron work in the lock and flood gates, including capstans and wheels, eight per pound.

For flood gates, including plank and timber for the gates, plank for floors, and lining for the sides of the cribs, thirty dollars per one thousand feet, board measure.

For the wood work in the floor of the upper part of the lock chamber, a gross sum of four hundred and fifty dollars.

For the dam twenty five feet high, measured from the bottom of the river, to the comb or weir of the dam, and sixty six feet long in the base, including timber of all kinds, sheet piling, stone filling, spikes, tree-nails, the quantity of gravelling represented on the drawings, and labor of every description, sixty four dollars per foot in length of the comb or weir, measured between the abutments.

For timber in the crib work above and below the lock, in the abutments, and in any addition that may be made to the height or length of base of the dam, ten cents per foot lineal.

For stone filling in do. fifty cents per cubic yard.

For iron spikes and bolts in do. ten cents per pound.

For gravelling put on in addition to the quantity specified above, or shown in the drawings, and for the gravel or loose small stone under the slope walls, and behind the lock walls, fifty cents per cubic yard.

For solid rock excavation above low water of the river, one dollar per cubic yard.

For excavation of sand, clay, and all other materials, except solid rock, above low water of the river, twenty cents per cubic yard.

For excavation of solid rock below low water of the river, two dollars per cubic yard.

For excavation of sand, clay, gravel and all other materials, except solid rock, below low water of the river, fifty cents per cubic yard.

For embankment, per cubic yard, thirty cents.

It is understood, that the prices affixed to the above items, are intended to include materials and labor of every description required to fit and put them in the work. The plank, timber, and all other materials paid for by measure or weight, shall be estimated, or the quantities shall be determined by the dimensions of the timber or other item, as it lies in the work, when finished.

No allowance will be made for bailing water, and no extra allowance will be made in any case, for the performance of this contract beyond the sum stipulated therein, except for additional, or extra work.

It is further agreed, that any items of work that may necessarily occur in, or about the lock and dam, not already specified in this contract, or represented in the plan, or described in the specification, and which may be directed to be done by the Engineer, shall be estimated by him, and paid for according to its value; and it is further understood by the parties, that all stone taken from the excavation of the pits or foundation of the dam, except such as may be used in the work, shall be the property of the Commonwealth of Kentucky, and not of the contractor, and may be disposed of by the Board of Internal Improvement as it may think proper.

The payments are to be made in the following manner:—On or about the first of July next, ensuing the date of this contract, the resident En-

gineer shall make an estimate of the value of materials delivered, and of work done, and upon his certificate being presented to the President of the Board of Internal Improvement, the same shall be paid; and on the first day of August next, a like estimate shall be made by the resident Engineer of materials delivered, and work done after the first estimate aforesaid, and upon his certificate being presented to the President of the Board of Internal Improvement, the same shall be paid, reserving therefrom, ten per cent., which shall be retained by the party of the first part, as security for the faithful performance of the work, until the same shall be completed, unless directed to be paid by the Board of Internal Improvement; and on the first day of each succeeding month, the resident Engineer shall, in like manner, estimate the amount and value of work done, and on the presentation of his certificate, eighty seven and a half per cent. of the amount shall be paid, and the balance retained for security, as before.

When the lock, dam, and other works connected with them, shall be completed and finished, according to the contract, plans, specifications and directions of the Engineer, or within thirty days thereafter, the amount and value of all the work and materials shall be estimated by the resident Engineer, and on the presentation of his certificate, approved and signed by the Chief Engineer, to the President of the Board of Internal Improvement, the balance, including the amounts from time to time retained, shall be paid.

It is further agreed, that the Commonwealth shall furnish all the hydraulic lime required to build the walls of the lock and abutments, to be delivered at some convenient point, at, or near the work, where the contractor shall receive it, and deposit it in some house, shed, or other building, where it will be preserved from injury by wet or exposure to the air; and if any of the hydraulic lime shall be injured by his neglect, while in possession of the contractor, the amount of injury sustained, shall be charged to him, and be deducted from his estimate.

And it is further understood, and agreed, that this contract, or any part thereof, shall not be transferred, sub-let in any manner, or under any pretence whatsoever, except for the procuring of materials.

And it is further agreed, that the said party of the second part, shall be liable and responsible for any damage, or trespass, done or committed by any persons in his employ; and shall dismiss from his service and employment, any disorderly or quarrelsome person, who shall wantonly commit any trespass, either upon the person, or property of any citizen of this Commonwealth, or be guilty of any offensive misconduct whatever, and, at any time, the said party of the second part, do covenant, promise, and agree, to dismiss from his service, all, and any, and every person, or persons, employed by, or under him whenever thereto directed by the Engineer.

And it is further understood and agreed, that said party of the second part, shall commence the said lock and dam within twenty after the date of this agreement; and it is further understood, and agreed, that the said party of the second part shall, and will, in all and every thing and matter, conform to the orders and directions of the Chief Engineer, resident Engineer, or other person having charge of the work, and do, and execute all the work in the said contract mentioned in the mode and manner directed by them. And to be governed by their directions in raising

the dam, so as not to prejudice others in like works above. And whenever the said Engineer may, and shall think proper to change, alter, enlarge or alter the amount of work, or location of the work on this contract, he shall have full power and authority to do so, and the said party of the second part, do bind himself to faithfully observe and obey his instructions and directions touching such change, alteration, enlargement or lessening, and when the same is done, the said Engineer shall have full power to make such addition to, or deduction from the amount agreed to be paid for the work, as, in his opinion, may be just and equitable.

It is further understood and agreed by the parties, that in case the dam and lock shall not be commenced within the time above stated, or if, at any subsequent period, the party of the second part should, in the opinion of the Chief Engineer or resident Engineer, refuse or neglect to prosecute this contract with a force proportionate to the quantity of the work to be done, and the period in which it is to be completed, or shall sub-contract, or relet said lock and dam, or any part thereof; or shall not give personal superintendence to the work, or shall refuse, at any time, to conform to the directions and instructions of the Chief Engineer, resident Engineer or Superintendent of the work, or shall violate, in any way, or manner, any of the stipulations, provisions, or conditions of this contract, the Chief Engineer, and resident Engineer, shall have power to declare this contract forfeited and *null and void*, and on their declaration, the same shall cease and determine forever, and as if it had never been made, and they may proceed to re-let the same: and in case of such declaration of forfeiture, the said Commonwealth are to retain the retained per centage forever, as compensation for damages which it is hereby agreed by the parties thereto that the Commonwealth shall be entitled to, in consequence of the failure of the party of the second part to perform the stipulations of the contract.

And it is further understood, that the decision of the Chief Engineer and resident Engineer, shall be final and conclusive in all disputes, matters and things, relating to this contract; and each and every of the said parties do hereby waive any right of action, suit or suits, or other remedy in law, or otherwise, by virtue of the said covenants, so that the decision of the said Engineer shall, in the nature of an award, be final and conclusive on the rights and claims of the parties.

It is further agreed and explicitly understood, that if, during the existence of this contract, a general estimate shall be made of the amount of labor done on the works of the Licking River Navigation, and it shall appear that the value of the same has equalled or exceeded the amount specifically appropriated or set apart by the Commonwealth for this purpose, the party of the second part shall not demand from the said Commonwealth, any payment of the moneys beyond the regular proportion of said appropriation, the same to be regulated agreeably to the estimate presented, the balance, including the retained per centage, to remain until provisions shall be made for its adjustment, subject to the orders and directions of the Board of Internal Improvement.

All timbers, buildings, or fences, at or near the locks and dams, shall be considered as the property of the land holder, and the party of the second part shall be held responsible for the safe keeping of the same, from the depredations of his agents, hands and laborers.

It is further understood and agreed, that in any case the party of the second

part shall execute any portion of the work defectively, and if the imperfection is not of sufficient magnitude to require, in the opinion of the Engineer, the taking up and re-building of the imperfect part, the said Engineer shall have power to make any deduction or deductions he may think proper, from the stipulated price or prices, for such work.

The party of the second part, do hereby promise and agree to finish and deliver up this contract, on or before the first day of January in the year one thousand eight hundred and forty one.

It is further agreed, that the party of the second part shall take all the materials which have been delivered for the construction of the said lock and dam, at the prices for which they have been estimated by the resident Engineer.

It is further understood and agreed, that this contract shall not be considered as made, or binding upon the parties, until it is endorsed with the approval of the President of the Board of Internal Improvement of Kentucky.

N. B. BUFORD,
Resident Engineer, Agent, &c.

ROBERT WILLIAMS.

Witness present:
H. C. BLACKBURN.

Approved June, 1839,
JAMES T. MOREHEAD.

ARTICLES OF AGREEMENT,

Entered into this ——— day of ———, A. D. one thousand eight hundred and thirty nine, by and between the Commonwealth of Kentucky, by James T. Morehead, President of the Board of Internal Improvement, of the first part, and J. T. & J. C. Ham, of the county of Pendleton and State of Kentucky, of the second part,

Witnesseth, That for, and in consideration of the payments and covenants hereinafter mentioned, to be made, the said party of the second part do hereby covenant, agree, and engage to furnish all the materials, except hydraulic lime, and perform all the labor necessary to build and construct the Dam and Lock No. 4, of the Licking River Navigation, together with the abutments, walls, crib work, and all the fixtures represented in the drawings, and described in the specifications of the said Dam and Lock; which drawings and specifications are deemed and taken as part of this contract, and all the walls, crib work, or other fixtures which may be directed by the Engineer having charge of the work.

In consideration of the work so to be done and executed, it is agreed and understood that there shall be paid by the said Commonwealth, to the said party of the second part as follows:

For regular masonry in the lock walls, eight dollars and fifty cents per perch of 25 cubic feet.

For rubble masonry in the breast of the lock, two dollars and seventy five cents per perch of 25 cubic feet.

For coursed rubble masonry in the dam abutments, three dollars and seventy five cents per perch of 25 cubic feet.

For slope walls and pavements, one dollar and seventy five cents per perch of 25 cubic feet.

For wood work of the lock, including gates, foundations, planking, and all wood work represented in the drawings, or described in the specifications, (except the 6 inch floor in the upper part of the chamber,) a gross sum of twelve hundred dollars.

For wrought iron work, including gate irons, chains, spikes, and all other wrought iron about the lock and flood gates, except the spikes in the crib work, ——— cents per pound.

For cast iron work in the lock and flood gates, including capstans and wheels, seven cents per pound.

For flood gates, including plank and timber for the gates, plank for floors, and lining for the sides of the cribs, thirty five dollars per one thousand feet, board measure.

For the wood work in the floor of the upper part of the lock chamber, a gross sum of three hundred and fifty dollars.

For the dam twenty five feet high, measured from the bottom of the river, to the comb or weir of the dam, and sixty six feet long in the base, including timber of all kinds, sheet piling, stone filling, spikes, tree-nails, the quantity of gravelling represented on the drawings, and labor of every description, fifty eight dollars per foot in length of the comb or weir, measured between the abutments.

For timber in the crib work above and below the lock, in the abutments, and in any addition that may be made to the height or length of base of the dam, ten cents per foot lineal.

For stone filling in do. seventy five cents per cubic yard.

For iron spikes and bolts in do. ten cents per pound.

For gravelling put on in addition to the quantity specified above, or shown in the drawings, and for the gravel or loose small stone under the slope walls, and behind the lock walls, forty five cents per cubic yard.

For solid rock excavation above low water of the river, one dollar per cubic yard.

For excavation of sand, clay, and all other materials, except solid rock, above low water of the river, twenty cents per cubic yard.

For excavation of solid rock below low water of the river, two dollars per cubic yard.

For excavation of sand, clay, gravel and all other materials, except solid rock, below low water of the river, thirty three and one fourth cents per cubic yard.

For embankment, per cubic yard, twenty five cents.

It is understood, that the prices affixed to the above items, are intended to include materials and labor of every description required to fit and put them in the work. The plank, timber, and all other materials paid for by measure or weight, shall be estimated, or the quantities shall be determined by the dimensions of the timber or other item, as it lies in the work, when finished.

No allowance will be made for bailing water, and no extra allowance will be made in any case, for the performance of this contract beyond the sum stipulated therein, except for additional, or extra work.

It is further agreed, that any items of work that may necessarily occur in, or about the lock and dam, not already specified in this contract, or represented in the plan, or described in the specification, and which may be directed to be done by the Engineer, shall be estimated by him, and paid for according to its value; and it is further understood by the parties, that all stone taken from the excavation of the pits or foundation of the dam, except such as may be used in the work, shall be the property of the Commonmonwealth of Kentucky, and not of the contractor, and may be disposed of by the Board of Internal Improvement as it may think proper.

The payments are to be made in the following manner:—On or about the first of July next, ensuing the date of this contract, the resident Engineer shall make an estimate of the value of materials delivered, and of work done, and upon his certificate being presented to the President of the Board of Internal Improvement, the same shall be paid; and on the first day of August next, a like estimate shall be made by the resident Engineer of materials delivered, and work done after the first estimate aforesaid, and upon his certificate being presented to the President of the Board of Internal Improvement, the same shall be paid, reserving therefrom, ten per cent., which shall be retained by the party of the first part, as security for the faithful performance of the work, until the same shall be completed, unless directed to be paid by the Board of Internal Improvement; and on the first day of each succeeding month, the resident Engineer shall, in like manner, estimate the amount and value of work done, and on the presentation of his certificate, eighty seven and a half per cent. of the amount shall be paid, and the balance retained for security, as before.

When the lock, dam, and other works connected with them, shall be completed and finished, according to the contract, plans, specifications and directions of the Engineer, or within thirty days thereafter, the amount and value of all the work and materials shall be estimated by the resident Engineer, and on the presentation of his certificate, approved and signed by the Chief Engineer, to the President of the Board of Internal Improvement, the balance, including the amounts from time to time retained, shall be paid.

It is further agreed, that the Commonwealth shall furnish all the hydraulic lime required to build the walls of the lock and abutments, to be delivered at some convenient point, at, or near the work, where the contractor shall receive it, and deposit it in some house, shed, or other building, where it will be preserved from injury by wet or exposure to the air; and if any of the hydraulic lime shall be injured by his neglect, while in possession of the contractor, the amount of injury sustained shall be charged to him, and be deducted from his estimate.

And it is further understood, and agreed, that this contract, or any part thereof, shall not be transferred, sub-let in any manner, or under any pretence whatsoever, except for the procuring of materials.

And it is further agreed, that the said party of the second part, shall be liable and responsible for any damage, or trespass, done or committed by any persons in their employ: and shall dismiss from their service and employment, any disorderly or quarrelsome person, who shall wantonly commit any trespass, either upon the person, or property of any citizen of this Commonwealth, or be guilty of any offensive misconduct whatever, and, at any time, the said party of the second part, do covenant, promise, and agree,

to dismiss from their service all, and any, and every person, or persons, employed by, or under them whenever thereto directed by the Engineer.

And it is further understood and agreed, that said party of the second part, shall commence the said lock and dam within ——— days after the date of this agreement; and it is further understood, and agreed, that the said party of the second part shall, and will, in all and every thing and matter conform to the orders and directions of the Chief Engineer, resident Engineer, or other person having charge of the work, and do, and execute all the work in the said contract mentioned in the mode and manner directed by them. And to be governed by their directions in raising the dam, so as not to prejudice others in like works above. And whenever the said Engineer may, and shall think proper to change, alter, enlarge or alter the amount of work, or location of the work on this contract, he shall have full power and authority to do so, and the said party of the second part, do bind themselves to faithfully observe and obey his instructions and directions touching such change, alteration, enlargement or lessening, and when the same is done, the said Engineer shall have full power to make such addition to, or deduction from the amount agreed to be paid for the work, as, in his opinion, may be just and equitable.

It is further understood and agreed by the parties, that in case the dam and lock shall not be commenced within the time above stated, or if, at any subsequent period, the party of the second part should, in the opinion of the Chief Engineer or resident Engineer, refuse or neglect to prosecute this contract with a force proportionate to the quantity of the work to be done, and the period in which it is to be completed, or shall sub-contract, or re-let said lock and dam, or any part thereof: or shall not give personal superintendence to the work, or shall refuse, at any time, to conform to the directions and instructions of the Chief Engineer, resident Engineer or Superintendent of the work, or shall violate, in any way, or manner, any of the stipulations, provisions, or conditions of this contract, the Chief Engineer, and resident Engineer, shall have power to declare this contract forfeited and *null and void*, and on their declaration, the same shall cease and determine forever, and as if it had never been made, and they may proceed to re-let the same: and in case of such declaration of forfeiture, the said Commonwealth are to retain the retained per centage forever, as compensation for damages which it is hereby agreed by the parties thereto that the Commonwealth shall be entitled to, in consequence of the failure of the party of the second part to perform the stipulations of the contract.

And it is further understood, that the decision of the Chief Engineer and resident Engineer, shall be final and conclusive in all disputes, matters and things, relating to this contract; and each and every of the said parties do hereby waive any right of action, suit or suits, or other remedy in law, or otherwise, by virtue of the said covenants, so that the decision of the said Engineer shall, in the nature of an award, be final and conclusive on the rights and claims of the parties.

It is further agreed and explicitly understood, that if, during the existence of this contract, a general estimate shall be made of the amount of labor done on the works of the Licking River Navigation, and it shall appear that the value of the same has equalled or exceeded the amount specifically appropriated or set apart by the Commonwealth for this purpose, the party of the second part shall not demand from the said Commonwealth,

any payment of the moneys beyond the regular proportion of said appropriation, the same to be regulated agreeably to the estimate presented, the balance, including the retained per centage, to remain until provisions shall be made for its adjustment, subject to the orders and directions of the Board of Internal Improvement.

All timbers, buildings, or fences, at or near the locks and dams, shall be considered as the property of the land holder, and the party of the second part shall be held responsible for the safe keeping of the same, from the depredations of his agents, hands and laborers.

It is further understood and agreed, that in any case the party of the second part shall execute any portion of the work defectively, and if the imperfection is not of sufficient magnitude to require, in the opinion of the Engineer, the taking up and re-building of the imperfect part, the said Engineer shall have power to make any deduction or deductions he may think proper, from the stipulated price or prices, for such work.

The party of the second part, do hereby promise and agree to finish and deliver up this contract, on or before the thirty fist day of December, one thousand eight hundred and forty.

In witness whereof, the parties have hereunto set their hands and seals, the day and year above written.

(Signed,) JAS. T. MOREHAD.

J. T. & J. C. HAM.

ARTICLES OF AGREEMENT,

Entered into this twenty fifth day of April, A. D. one thousand eight hundred and forty, by and between the Commonwealth of Kentucky, by James T. Morehead, President of the Board of Internal Improvement, of the first part, and James S. Law, David S. Law and William P. Law, all of the city of Cincinnati and State of Ohio, of the second part:

Witnesseth, That for and in consideration of the payments and covenants, hereinafter mentioned, to be made, the said party of the second part do hereby covenant, agree, and engage to furnish all the materials, except hydraulic lime, and perform all the labor necessary to build and construct the dam and lock No. 5, of the Licking River Navigation, together with the abutments, walls, crib work and all the fixtures represented in the drawings, and described in the specifications of the said dam and lock; which drawings and specifications are deemed and taken as part of this contract, and all the walls, crib work, or other fixtures which may be directed by the Engineer having charge of the work.

In consideration of the work so to be done and executed, it is agreed and understood that there shall be paid by the said Commonwealth, to the said party of the second part, as follows:

For regular masonry in the lock walls, eight dollars and seventy five cents per perch of 25 cubic feet.

For rubble masonry in the breast of the lock, three dollars and seventy five cents per perch of 25 cubic feet.

For coursed rubble masonry in the dam abutments, four dollars and twenty five cents per perch of 25 cubic feet.

For slope walls and pavements, one dollar and eighty seven and a half cents per perch of 25 cubic feet.

For wood work of the lock, including gates, foundations, planking, and all wood work represented in the drawings, or described in the specifications, (except the six inch floor in the upper part of the chamber,) a gross sum of seventeen hundred and fifty dollars.

For wrought iron work, including gate irons, chains, spikes, and all other wrought iron about the lock and flood gates, except the spikes in the crib work, thirteen cents per pound.

For cast iron work in the lock and flood gates, including capstans and wheels, nine cents per pound.

For flood gates, including plank and timber for the gates, plank for floors, and lining for the sides of the cribs, thirty dollars per one thousand feet, board measure.

For the wood work in the floor of the upper part of the lock chamber, a gross sum of four hundred and fifty dollars.

For the dam twenty five feet high, measured from the bottom of the river, to the comb or weir of the dam, and sixty six feet long in the base, including timber of all kinds, sheet piling, stone filling, spikes, tree-nails, the quantity of gravelling represented on the drawings, and labor of every description, sixty dollars per foot in length of the comb or weir, measured between the abutments.

For timber in the crib work above and below the lock, in the abutments, and in any addition that may be made to the height or length of base of the dam, ten cents per foot lineal.

For stone filling in do. fifty cents per cubic yard.

For iron spikes and bolts in do. ten cents per pound.

For gravelling put on in addition to the quantity specified above, or shown in the drawings, and for the gravel or loose small stone under the slope walls, and behind the lock walls, fifty cents per cubic yard.

For solid rock excavation above low water of the river, one dollar twelve and a half cents per cubic yard.

For excavation of sand, clay, and all other materials, except solid rock, above low water of the river, twenty cents per cubic yard.

For excavation of solid rock below low water of the river, two dollars per cubic yard.

For excavation of sand, clay, gravel and all other materials, except solid rock, below low water of the river, forty cents per cubic yard.

For embankment, per cubic yard, twenty cents.

It is understood, that the prices affixed to the above items, are intended to include materials and labor of every description required to fit and put them in the work. The plank, timber, and all other materials paid for by measure or weight, shall be estimated, or the quantities shall be determined by the dimensions of the timber or other item, as it lies in the work, when finished.

No allowance will be made for bailing water, and no extra allowance will be made in any case, for the performance of this contract beyond the sum stipulated therein, except for additional, or extra work.

It is further agreed, that any items of work that may necessarily occur in, or about the lock and dam, not already specified in this contract, or repre-

sented in the plan, or described in the specification, and which may be directed to be done by the Engineer, shall be estimated by him, and paid for according to its value; and it is further understood by the parties, that all stone taken from the excavation of the pits or foundation of the dam, except such as may be used in the work, shall be the property of the Commonwealth of Kentucky, and not of the contractor, and may be disposed of by the Board of Internal Improvement as it may think proper.

The payments are to be made in the following manner:—On or about the first of May next, ensuing the date of this contract, the resident Engineer shall make an estimate of the value of materials delivered, and of work done, and upon his certificate being presented to the President of the Board of Internal Improvement, the same shall be paid; and on the first day of June next, a like estimate shall be made by the resident Engineer of materials delivered, and work done after the first estimate aforesaid, and upon his certificate being presented to the President of the Board of Internal Improvement, the same shall be paid, reserving therefrom, ten per cent., which shall be retained by the party of the first part, as security for the faithful performance of the work, until the same shall be completed, unless directed to be paid by the Board of Internal Improvement; and on the first day of each succeeding month, the resident Engineer shall, in like manner, estimate the amount and value of work done, and on the presentation of his certificate, eighty seven and a half per cent. of the amount shall be paid, and the balance retained for security, as before.

When the lock, dam, and other works connected with them, shall be completed and finished, according to the contract, plans, specifications and directions of the Engineer, or within thirty days thereafter, the amount and value of all the work and materials shall be estimated by the resident Engineer, and on the presentation of his certificate, approved and signed by the Chief Engineer, to the President of the Board of Internal Improvement, the balance, including the amounts from time to time retained, shall be paid.

It is further agreed, that the Commonwealth shall furnish all the hydraulic lime required to build the walls of the lock and abutments, to be delivered at some convenient point, at, or near the work, where the contractor shall receive it, and deposit it in some house, shed, or other building, where it will be preserved from injury by wet or exposure to the air; and if any of the hydraulic lime shall be injured by his neglect, while in possession of the contractor, the amount of injury sustained, shall be charged to him, and be deducted from his estimate.

And it is further understood, and agreed, that this contract, or any part thereof, shall not be transferred, sub-let in any manner, or under any pretence whatsoever, except for the procuring of materials.

And it is further agreed, that the said party of the second part, shall be liable and responsible for any damage, or trespass, done or committed by any persons in their employ; and shall dismiss from their service and employment, any disorderly or quarrelsome person, who shall wantonly commit any trespass, either upon the person, or property of any citizen of this Commonwealth, or be guilty of any offensive misconduct whatever, and, at any time, the said party of the second part, do covenant, promise, and agree, to dismiss from their service, all, and any, and every person, or per-

sons, employed by, or under them whenever thereto directed by the Engineer.

And it is further understood and agreed, that said party of the second part, shall commence the said lock and dam within ten days after the date of this agreement; and it is further understood, and agreed, that the said party of the second part shall, and will, in all and every thing and matter, conform to the orders and directions of the Chief Engineer, resident Engineer, or other person having charge of the work, and do, and execute all the work in the said contract mentioned in the mode and manner directed by them. And to be governed by their directions in raising the dam, so as not to prejudice others in like works above. And whenever the said Engineer may, and shall think proper to change, alter, enlarge or alter the amount of work, or location of the work on this contract, he shall have full power and authority to do so, and the said party of the second part, do bind themselves to faithfully observe and obey his instructions and directions touching such change, alteration, enlargement or lessening, and when the same is done, the said Engineer shall have full power to make such addition to, or deduction from the amount agreed to be paid for the work, as, in his opinion, may be just and equitable.

It is further understood and agreed by the parties, that in case the dam and lock shall not be commenced within the time above stated, or if, at any subsequent period, the party of the second part should, in the opinion of the Chief Engineer or resident Engineer, refuse or neglect to prosecute this contract with a force proportionate to the quantity of the work to be done, and the period in which it is to be completed, or shall sub-contract, or relet said lock and dam, or any part thereof; or shall not give personal superintendence to the work, or shall refuse, at any time, to conform to the directions and instructions of the Chief Engineer, resident Engineer or Superintendent of the work, or shall violate, in any way, or manner, any of the stipulations, provisions, or conditions of this contract, the Chief Engineer, and resident Engineer, shall have power to declare this contract forfeited and *null and void*, and on their declaration, the same shall cease and determine forever, and as if it had never been made, and they may proceed to re-let the same: and in case of such declaration of forfeiture, the said Commonwealth are to retain the retained per centage forever, as compensation for damages which it is hereby agreed by the parties thereto that the Commonwealth shall be entitled to, in consequence of the failure of the party of the second part to perform the stipulations of the contract.

And it is further understood, that the decision of the Chief Engineer and resident Engineer, shall be final and conclusive in all disputes, matters and things, relating to this contract; and each and every of the said parties do hereby waive any right of action, suit or suits, or other remedy in law, or otherwise, by virtue of the said covenants, so that the decision of the said Engineer shall, in the nature of an award, be final and conclusive on the rights and claims of the parties.

It is further agreed and explicitly understood, that if, during the existence of this contract, a general estimate shall be made of the amount of labor done on the works of the Licking River Navigation, and it shall appear that the value of the same has equalled or exceeded the amount specifically appropriated or set apart by the Commonwealth for this purpose, the party of the second part shall not demand from the said Commonwealth, any pay-

ment of the moneys beyond the regular proportion of said appropriation, the same to be regulated agreeably to the estimate presented, the balance, including the retained per centage, to remain until provisions shall be made for its adjustment, subject to the orders and directions of the Board of Internal Improvement.

All timbers, buildings, or fences, at or near the locks and dams, shall be considered as the property of the land holder, and the party of the second part shall be held responsible for the safe keeping of the same, from the depredations of his agents, hands and laborers.

It is further understood and agreed, that in any case the party of the second part shall execute any portion of the work defectively, and if the imperfection is not of sufficient magnitude to require, in the opinion of the Engineer, the taking up and re-building of the imperfect part, the said Engineer shall have power to make any deduction or deductions he may think proper, from the stipulated price or prices, for such work.

The party of the second part, do hereby promise and agree to finish and deliver up this contract, on or before the thirty first day of December in the year one thousand eight hundred and forty one.

It is further understood and agreed, that it shall be at the option of the said Board to make all the payments above specified in the six per cent. bonds of the said Commonwealth, or in current Kentucky Bank notes.

In witness whereof, the parties have hereunto set their hands and seals, the day and year above written.

JAS. T. MOREHEAD,
President of the Board of Internal Improvement,

JAMES S. LAW,
DAVID L. LAW,
WM. P. LAW.

Witness present:
N. B. BUFORD.

The following specifications were required and made part of each of the contracts in the construction of the Locks and Dams on the Licking River.

The chamber of the Locks will be 130 feet long, measured from quoin to quoin, and 25 feet wide; the whole length of the walls, including the chamber, will be 175 feet: the return walls at the head and foot, on the land side, will be of such length and thickness as the Engineer may deem necessary for the security of the Lock.

LOCK PITS.—Where the rock, &c. is not sufficiently solid to form parts of the wall, the pit will be excavated 185 feet long in the bottom, and 62 feet wide, except along the middle part, on a distance of about 90 feet, where the width may be reduced to 58 feet. The part of the pit under the breast of the Lock will be excavated to such depth as the Engineer may deem necessary to obtain a good foundation for the wall. From the breast wall to a point 20 feet above the lower quoin, the bottom of the pit will be 6 inches below the top of the lower mitre sill; (except in cases where the rock may be found sufficiently solid to form the floor of the chamber:) thence to the lower end of the walls the bottom of the pit will be 31 inches

below the top of the mitre sill. The slopes of the sides and ends of the pits, will have such inclination as the Engineer may deem necessary.

The parts of the bottom of the pit upon which the walls are to be built, are to be dressed, or cut down with a pick or other tool, so as to present a horizontal surface, similar to the upper bed of a course of masonry. When the rock is sufficiently compact and firm to serve as a substitute for parts of the wall, it should be cut off in benches of such width as the Engineer may direct, and of a height to correspond with the courses of masonry.

Where timber is to be fitted to the rock, the excavation is to be so made as not to loosen or shatter the rock below the bottom of the pit and a solid and even bed is to be prepared for the timber to rest upon, or lie against, where the sides or ends are in contact.

TIMBER BOTTOM.—The timbers which are to form the bottom of the Lock, (marked A in the drawings,) from the lower end, to a point four feet above the lower recess, are to be hewn square and laid side by side. Each timber is to be 12 inches deep, and not less than 12 inches wide, and long enough to extend 2½ feet under each wall. A hole 2 inches in diameter, is to be bored through the centre of each timber and extended down at least 20 inches into the solid part of the rock. A seasoned locust pin large enough fill it, is to be driven into this hole and to pass down to the bottom. An iron bolt, 7-8 of an inch square, ragged at the bottom, is to be driven down through the centre of this pin, to near the bottom of the hole in the rock. The bolts are to have T heads large enough to have a hold upon the timber. These timbers are to be covered with 3 inch white oak plank, laid lengthwise of the Lock, and secured with 1¼ inch locust pins, 8 inches long, and put in, in the proportion of two to every third timber in each plank. At the upper end of this timber bottom, a piece of timber 16 inches square, and long enough to extend 2½ feet under each Lock wall, will be placed across the end of the plank, over the upper foundation timber, and secured with four 7-8 inch iron bolts, driven through both timbers and the plank. The lower and upper timbers, and also, the ends of the planks, are to be fitted closely to the rock, and the joint between the rock and the timbers is to be made water tight.

UPPER PART OF THE CHAMBER.—The remainder of the bottom of the chamber of the Lock, where the rock shall be formed not compact and strong enough to resist the action of the water, will be covered with white oak timbers 6 inches deep, and not less than 12 inches wide, laid cross wise of the Lock and secured in the following manner: Two lines of plank, one on each side of, and parallel to the centre of the lock, are to be laid along over the 6 inch plank. Holes, 1½ inches in diameter, are to be bored through the 4 and 6 inch plank, and down at least 18 inches into the solid part of the rock, in the proportion of 4 to each 6 inch plank, or one through the point of crossing of each 4 and 6 inch plank; a white oak or lucust pin, large enough to fill it, is to be driven into each hole, and an iron bolt ¾ of an inch in diameter, with a T head, is to be driven down through the centre of each pin to reach the bottom of the hole. Every timber is to extend across the Lock, and is to be long enough for the ends to press firmly against both walls.

A piece of white oak timber 10 inches wide and 6 inches thick, is to be fitted down upon the ends of the bottom timbers, and against the face of the lower course of stone in the wall. Holes are to be bored horizontally through this timber, at intervals of two feet. They are to be 1½ inches

in diameter and must pass into the wall at least 9 inches. A seasoned locust pin large enough to fill it, is to be driven into each hole and a $\frac{5}{8}$ inch iron bolt, with a T head, is to be driven into the centre of each pin—the bolt to be long enough to pass at least 8 inches into the wall. This part of the bottom will be put in after the lock walls are finished.

MITRE SILLS.—The mitre sills will be made of the form and dimensions represented in the drawings. They will be put in after the lock walls are built, and secured to the foundation timber with 18 one inch square bolts 30 inches long, put in at such points as the Engineer may direct. The timber will be white oak, hewn smooth and planed, and the joints are to be fitted in the best manner.

BREAST.—The breast of the Lock is to be covered with white oak timbers, 12 inches deep, and not less than 12 inches wide, placed side by side; each timber is to be long enough to extend across the Lock, and 18 inches into each wall. A course of 3 inch white oak plank is to be laid upon and secured to these timbers in the same manner as the three inch planks are secured to the bottom timbers under the lower gates. A double course of sheet piling is to be put in, as represented in the drawings, across the upper end of the Lock; the upper ends of the pile plank are to be fitted so as to make a water tight joint with the plank which covers the breast.

The upper mitre sill will have, in addition to the common bolts, bolts of $1\frac{1}{4}$ inch iron, to pass through the timbers into the wall below. There will be four of these long bolts in each upper mitre sill. They will be put in, in the same manner as the bolts which secure the foundation timbers, under the lower mitre sill to the bottom of the lockpit.

WALLS.—The walls of the Lock are to have the form and dimensions represented in the drawings—they will be vertical on the faces towards the chamber from the head of the Lock to the upper hollow quoin, and from the upper end of the lower recess to the lower end of the walls. The face of the wall between the upper hollow quoin and the upper end of the lower recess, will have a curve at the top of 2 inches—the line of the face of the wall at the bottom will be straight. The outer face of the wall on the river side, will have an inclination or batter of $1\frac{1}{2}$ inches to each foot in height—the back of the wall on the land side of the Lock, will have an inclination (to be made in offsets) of $1\frac{1}{2}$ inches to each foot rise, from the head to a point 20 feet below the upper hollow quoin, and from a point 12 feet above the lower recess to the lower end of the wall. The remaining part of this wall will have an inclination on the back (to be made by offsets) of $2\frac{1}{2}$ inches to each foot in height.

The walls are to be *regular coursed masonry*, the smallest courses are not to be less than 10 inches thick or deep where sandstone is used, and not less than 10 inches thick or deep where limestone is used, and they may vary in thickness from 10 or 12 to 30 inches. The stones which form the river faces of the walls, are to be cut smooth on the face, and the beds and joints are to be dressed, and so as to form right angles with the face. The stretchers in the face of the wall are to have beds and joints of not less than $2\frac{1}{2}$ feet in width, measured from the face, back.

The headers in all the courses from 10 or 12 to 16 inches thick or deep, are to be not less than 2 feet wide from joint to joint, measured horizontally on the face; and in the courses of more than 16 inches in thickness, the headers are to be not less than $2\frac{1}{2}$ feet wide on the face. The beds of the

headers are to be dressed as far back as the joints of the stretchers will extend. Each header should extend back into the wall, of the full size, at least 4½ feet in the smaller courses, and 5 feet in the larger courses, except the headers in the thicker part of the wall, on the land side of the Lock, these are to be of such length as to extend from the face to the stretchers in the back of the wall.

The headers in each course are to be placed at intervals of not more than 10 feet, measured from centre to centre. The space between them shall be filled with either one or two stretchers—the headers and stretchers in the outer face of the river wall are to be of the same dimensions as those on the inner face: but the faces of those on the outer side are to be bevelled, so as to give the wall the inclination or batter above mentioned. A draught is to be cut around the face of each stone—the middle part may be dressed off with a pick or other tool—the headers in the back of the wall, on the land side of the Lock, are to be of the same dimensions as those in the face, and they are to be placed mid-way between them—the interior of the walls (the backing) is to be made up of stones of the same thickness or depth as the face stones—both beds are to be dressed so as to give even parallel surfaces. The sides are to be dressed with the hammer. The backing stones, generally, are to contain not less than 10 cubic feet—they are to be so arranged as to break joints, in order to bind the wall strongly together—the mortar joints in the face of the walls are not to exceed 3-16 of an inch in thickness.

When one course shall be laid throughout its whole extent, it must be well grouted, and the whole of the upper bed dressed off to an even horizontal surface, before the commencement of another course—the thickest courses are to be laid in the bottom of the wall, and the thinner courses towards the top, unless otherwise directed by the Engineer.

In each superior course, the headers are to be placed mid-way between the headers in the course below, and the backing stones in each superior course are to be so arranged as to break joints with the backing stones and headers in the course below.

Coping.—The coping, hollow quoins and breast stone, are to be of such compact strong stone as shall be approved of by the Engineer. The coping stones are to be of the dimensions represented in the drawings. They are in all cases to be not less than 15 inches thick—the quoin and breast stones, are to be of such form as the Engineer may direct. They are to contain, each, not less than 20 cubic feet.

The wall of the breast of the Lock above the mitre sill, except under the side walls, may be built of rubble stone of large size and with good beds. Under the mitre sills the wall is to be formed of large stones, with beds and joints cut and fitted in such manner as the Engineer may direct. The face stones are to have the vertical points normal to the curve of the breast. Holes are to be drilled in this wall to receive iron rods to secure the mitre sills.

The Mortar used in the walls is to be made of hydraulic lime and clean sand, mixed in such proportions, and made in such manner as the Engineer may direct—the stones are all to be laid in thick mortar—thin mortar or grout, is to be used for filling up the joints and cavities after each course shall be laid. All the grout used, shall first be made into thick mortar, well mixed, and afterwards reduced to the proper consistency by the addition of water.

CULVERTS.—The side culverts will open into the walls about 6 feet above the quoin; the opening will be $2\frac{1}{2}$ feet square, and extend horizontally into the wall 7 feet. A vertical shaft $2\frac{1}{2}$ feet square will descend from the bottom of the horizontal part of the sluice to the top of the lower course of masonry, where a stone will be cut with a concave surface so placed as to change the direction of the water towards the part of the sluice which runs parallel with the Lock—the opening at the lower end of the sluice or culvert will be 4 feet below the end of the breast wall—when the rock shall be found not sufficiently solid to form the bottom of the sluice, a plank bottom is to be inserted.

THE WELLS for the chains for opening and closing the gates, are to be 18 inches square below the bottom of the coping, and placed about 4 feet back from the face of the wall. From the bottom of the well to the face of the wall, the horizontal opening through which the chain passes will be about 9 inches square. A funnell shaped tube, of cast iron, of such dimensions as the Engineer may direct, will be secured in the outer end of this opening to protect the stone from abrasion by the rubbing of the chain. A cast iron sheave, with a wrought iron axle, will be placed at the bottom of this well for the purpose of changing the direction of the chain. This sheave is to be secured by boxes in the lower end of a frame so constructed that it can be put in the well or taken out at pleasure. It will be made of two pieces of strong timber each 5 inches thick, 12 inches wide, and long enongh to extend from the botton of the coping to the bottom of the walls. These timbers are to be framed together by cross pieces put in with double tenons. The frame will be secured in its place by wedges or keys, driven between the two side pieces.

A cast iron drum, wheel, and pinion to be constructed in such manner as the Engineer may direct, is to be placed at the top of each wall, and secured in a cast iron frame in the coping of the lock wall. All the gudgeons and journals of the machinery for opening and closing the lock gates, are to be turned and the boxes or seats in which they work are to be bored or turned out, and all the parts made to fit each other.

There will be two chains to each gate, one to open and one to shut it. The chains will be made of $\frac{1}{2}$ inch round iron, with links not exceedings $2\frac{3}{4}$ inches in length. They will be fastened by staple bolts to such point in the mitre posts, as the Engineer may direct. The end of the chain attached to the drum, will be fastenened by a staple bolt and key. In such of the locks as have flood gates, an additional chain about 6 feet along, will be required for each mitre gate, to fasten it open during a flood. This chain will be fastened to the upper bar of the gate, by a staple bolt. The other end of the chain where the gate is to be kept open, will be fastened to an anchor iron to be fixed in the top of the coping.

GATES.—The frames of the gates are to be made of the best quality of white oak timber, seasoned at least one year. The dimensions of each timber is given in the drawings and bill of materials. The gate bars to be framed into the mitre and quoin posts by double tenons on each end. The tenons and mortices will be of the dimensions represented in the drawings. All the timbers are to be planed smooth: The joints are to be strengthened by plates of iron, let into each face of the timber, and secured by $\frac{3}{4}$ inch screw-bolts. A band of iron is to be put upon the top and bot-

tom of each quoin and mitre post: the bands are to be driven on to the ends of the posts, and secured by driving wedges into the ends of the timber.

There will be three cast iron paddle gates, each 26 inches square in each Lock gate. They will be placed between the lower bars in the manner represented in the drawings. The rods and irons with which they are secured and worked are shown in the drawings.

A cast iron box with a socket, is to be let into the bottom of the quoin post and fastened with wedges. A pedestal, with a pivot to fit into this socket, is to be placed upon the lower course of plank and secured by bolts. This pivot and socket will form the hinge for the bottom of the gate. The upper end of the quoin post will be supported by an iron collar, secured by anchor bolts in the manner represented in the drawings.

Roller-Way.—A piece of white oak timber 14 inches wide and 8 inches thick, cut so as to form the proper curve, is to be spiked to the lower course of plank in the bottom of the Lock, for a roller-way for each gate. The upper corners of this timber are to be bevelled off, and a bar of iron 4 inches wide and 1 inch thick, is to be fastened on to the centre of the timber. The spikes with which the iron is fastened, will be countersunk, so that the surface of the way may be smooth. The roller, and the pillow-block for securing it to the bottom gate bar, will be made of cast iron. The pillow-block will be let into the bottom bar and fastened by screw-bolts. The axle of the roller will be made of wrought iron, and the gudgeons turned in the roller. It will be secured in the pillow-block by staple-bolts, as represented in the drawings.

All the irons about the gates, and their fixtures will be made of the size and form represented in the accompanying drawings.

Cramp Irons.—The coping of the Lock walls is to be secured by a line of bars of iron, 2 inches wide and $\frac{1}{2}$ an inch thick, let into the stone on a line 18 inches back from the face of the wall. Holes 6 inches deep, and $1\frac{1}{4}$ inches in diameter are to be drilled into the coping under the line of bars at intervals of 18 inches, or less when the joints may render it necessary. A seasoned locust pin, with a small hole, lengthwise through the centre, is to be driven into each hole. Holes are to be made in the bars to correspond with the holes drilled in the coping, and an iron-spike $\frac{3}{8}$ of an inch in diameter, and 5 inches long, is to be driven through each hole in the bar into the locust pin in the coping. A spike will be put in at the end of each bar. The bars are to be regulated so as to make joints in the middle of each coping stone.

At the recesses for the gates, the lines of bars are to pass each other, or lap $2\frac{1}{2}$ feet. At the ends of the walls, the bars are to be curved to correspond with the face of the wall. Lines of cramp bars are to be put on along the outer face of both walls, in the same manner as they are put on along the inner faces.

Second course of bottom Plank.—After the walls are built, and the mitre sills and roller-ways are put down, the bottom of the Lock at the lower end, as far as the 12 inch timbers extend, and the breast, are to be covered with 2 inch seasoned white pine or white oak plank. The plank are to be jointed at the edges and ends, and when laid, they are to be so fitted to the walls, mitre sills, roller-ways, &c. as to make water-tight joints. The plank are to be laid lengthwise of the Lock—and they are to be secured with hammered iron spikes $\frac{1}{2}$ an inch square and 12 inches long, put in, in

the proportion of two spikes to every third timber in each plank. The spikes are to be driven so as to pass into the centre of the 12 inch timbers.

PLANKING GATES.—The gates are to be covered with 2½ inch yellow pine plank, put on in pieces not more than 8 inches wide—the plank are to be well seasoned, planed, and jointed at the edges. They are to be carefully fitted into the rabbits of the bars and posts, and secured with hammered iron spikes ⅝ of an inch square, and 7 inches long, put in, in the proportion two to each timber in each plank.

The gates are to be painted with such kind of paint as the Engineer may direct. The iron work is all to be covered with the kind of black varnish commonly used for painting iron.

FLOOD GATES.—A body of crib work 48 feet long, and equal in width to the width of the Lock, including walls, is to be built up to within 2½ feet of the bottom water-line of the upper level. The cribs are to be 5 feet square, measured from centre to centre of timbers. The timbers upon which the floor of the gate chamber is to be fastened, are to be hewn square, and strongly secured to the timbers below them. They are to be placed 2½ feet from centre to centre. The floor of the part of the gate chamber under the lower gate, will have a slope or inclination up stream of one foot. The remaining part of the floor between the end of the lower gate and the timber A under the quoin of the upper gate, will rise one foot.

The floor of the lock chamber is to be made of two courses of plank, the lower course to be 3 inches thick and the upper one 2 inches. The plank are to be laid so as to make water-tight joints, and secured to the timbers which support them with spikes ½ an inch square and 12 inches long, put in in the proportion of three to each timber in each plank.

After the timbers A, A, &c. are laid and secured, a hollow quoin is to be formed of the pieces D and C. These pieces are to be strongly spiked through the floor into the timbers below, and to the timber A—and they are to be cut out so as to make a close joint with the cylindrical side of the quoin timber B.

The crib work at the sides, is to be carried up as high as the top of the Lock wall. The inner faces are to be covered with 2 inch plank jointed at the edges and fitted to the floor below so as to make water tight joints. These plank are to be fastened to the crib timbers with hammered iron spikes ⅝ of an inch in diameter, and 7 inches long. The parts of the sides of the cribs above the line indicated by the opened or raised gates, are to be covered in addition to the 2 inch plank, with a course of 4 inch plank, secured to the crib timbers with hammered spikes ½ an inch square and 12 inches long, put in, in the proportion of two to every horizontal crib timber in each plank.

A floor similar to the gate chamber is to be laid in the bottom between the quoin of the upper gate and the upper end of the crib work.

The gates are to be made of three courses of 4 inch plank, the middle course to be laid crosswise of the Lock, as shown in the drawings. The quoin timbers B are to be 12 by 18 inches square. The plank which form the gates are to be closely fitted together, so as to make water-tight joints, and they are to be fastened with spikes ½ an inch square and 13 inches long—the spikes are to be tapered at the point in order that they may be bent down and clinched in the wood. The spikes are to be put in in the

proportion of one to each foot, in each upper plank. The ribs D are to be secured by screw-bolts 19 inches long and 7-8 of an inch square.

Gudgeons are to be made on the ends of the timber B, of as large diameter as the stick will permit, and journals will be made at intervals of 5 feet. The gudgeons are to work in, and be secured by timber boxes; wrought iron collars made of iron bars 4 inches wide, and 1 inch thick, are to be put upon each journal. The ends of the bar which form the collar, will pass down through the floor and through the timbers below, and be secured by large iron keys.

The space between the sides of the gates and the 2 inch plank facing, will be ½ an inch. The lower ends of the 4 inch plank are to be cut off even to receive the gates, when raised or opened.

A sluice to admit the water under the gates, in order to raise them, will be put in in such manner as may be directed, and another sluice to discharge the water, when the gates are let down. Both sluices or culverts are to be provided with sliding gates of wood, to admit, or shut off the water.

A cast iron pulley is to be placed in each side of the upper gate, back of, and near the ribs F F; this pulley or sheave will be 8 inches in diameter, the axle will be of wrought iron, and 2 inches in diameter. A pulley or sheave of the same size will be fixed in the top of the crib work over the apex of the gates when they are open. A chain with short links made of 1-2 inch iron, is to be fastened by a strong staple-bolt to the end of the lower gate, it will pass over the pulleys in the upper gate, and on the top of the crib work, and be attached to a windlass or capstan to be constructed in the top of the crib work. A chain of this kind will be required on each side to open the gates when the mitre gates of the lock are closed.

Crib work above and below Lock.—A wall of crib work, as represented in the drawings, will be extended above the crib work of the flood gate, on the river side, to such distance as the Engineer may deem necessary to form a secure entrance for boats, &c., and a similar wall of crib work, will be constructed from the foot of the lock on the river side, to extend down at least 150 feet, and further if the Engineer shall consider it necessary. The walls of crib work will have the same batter on the outer side, as the river side of the lock wall. The faces towards the boat channel are to be vertical, and the timbers are to be hewn on the face. The width of the crib work on the top will be 19 feet. It will be formed of three rangers of longitudinal timbers, one to form each side and one through the centre, connected together by ties of sufficient length to pass through the walls, placed at intervals of 7 feet measured from centre to centre. The ends of the ties are to be fitted into the face timbers with a dove tail joint.

Each dove tail joint and each point where the timbers cross each other in any part of the crib work, above or below the lock, is to be secured with a 3-4 inch iron bolt, 22 inches long, or with a locust tree nail 2 inches in diameter and 22 inches long. Iron bolts are to be used above the water near the top of the crib work.

Stone Filling.—The cribs are to be filled with rubble stone closely packed in, to within two feet of the top of the crib work. The balance of the top of the cribs are to be filled with flat stones, at least 2 feet long or deep, placed edgewise in courses across the wall, so as to form a pavement 2 feet deep. These stones are to be closely fitted, and the last course in each crib is to be driven in with a mall or ram.

A wall of crib work will be placed on the land side of the boat channel, whenever the shape of the shore may require it. Its form and manner of construction will be such as the Engineer may deem best adapted to suit the ground.

DAM AND ABUTMENTS.—The length of the base of the dam, when the lock has a lift of 14 feet or less, when built upon a rock foundation, will be 66 feet; when the foundation is gravel, or other soft material, or when the lock may be of greater lift, the base of the dam will be increased to such length as the Engineer may deem necessary for its security on the up stream side; the slope of the dam will have a base of 4½ feet, to each foot in height, and on the lower side, the slope will have a base of 2 1-2 feet to each foot in height.

Where the foundation is rock, the sand, gravel and loose stones are to be removed as far as the Engineer may consider it necessary. The ties, or timbers which lie in the direction of the stream, are to be laid down at intervals of 8 feet, measured from centre to centre. They are, if practicable, to be of a length equal to the length of the base of the dam. They are to be laid with the largest end down stream, to be fitted to the rock, and when directed, to be secured to it with iron bolts. When the rock is solid, but presents an uneven surface, the timbers are to be cut to such length and thickness as to adapt them to the surface of the rock. The range timbers are to be placed at the distances from each other, represented in the drawings, they are to be notched on the ties by cutting away both timbers so as to give a bearing of at least one superficial foot. The largest timbers are to be placed towards the lower side, and the smaller timbers in the upper side of the dam.

The outer faces of the timbers which form the upper and lower ranges are to be hewn, and the whole upper face of the crib work is to be made even and smooth to receive the sheet piling. The range timbers upon which the covering is to placed, are to be hewn on the side upon which the covering will rest. The large range timbers to which the lower covering timbers are to be fastened, are to be secured in their places by closely fitted dove tail joints, made with the ends of the ties. Each dove tailed joint, and each point of contact, where the timbers cross each other, in the part of the dam below the weir, is to be secured by an iron bolt, 3-4 of an inch square, and not less than 22 inches long. Each joint and point of contact, above the weir of the dam, except in the timbers upon which the covering is to rest, and in the two upper courses at the top of the dam, are to be secured or fastened by a locust tree nail 2 inches in diameter and not less than 22 inches long. The upper range timbers upon which the covering timbers rest, with the two courses above mentioned, are to be fastened with iron bolts.

The cribs are to be filled with rubble stone, closely packed in, the largest stones are to be put into the lower cribs, or those along the lower side of the dam.

SHEET PILING.—Double courses of sheet piling are to be placed along the upper side of the dam, and along one end, as represented in the drawings. The planks are to be arranged so as to break joints, and to be so put together as to be water-tight. The piling is to extend down to the rock, and the top is to be cut off and fitted so as to make a water-tight joint with covering.

Covering.—The upper slope is to be covered with white oak timbers, 6 inches thick, and not less than one foot wide. The timber is to be sawed or hewn square; the sides are then to be bevelled or cut off, so that when the pieces are laid together, the joints shall be closed at the bottom, and ½ an inch open at the top. The upper covering timbers shall be at least 24 feet long—and each piece shall be secured to the range timbers with spikes 3-4 of an inch in diameter, and 14 inches long, put in, in the proportion of three to each piece of timber, except the pieces which form the weir or comb of the dam, in each of which, four spikes are to be used.

The lower slope is to be covered with white oak timbers eight inches thick, not less than 1 foot wide, and of the same length as the slope. They are to be hewn square and put on as represented in the drawings. The joints may be open 1-2 an inch. Each timber is to be fastened to the range timbers with five spikes of the size above mentioned, to be put in at such points as the Engineer may direct. The heads of the spikes are to be sunk 2 1-2 inches below the upper surface of the timber.

The timbers used in building the crib work of the dam are to be not less than 33 feet long, and 1 foot in diameter at the smallest end. All the timbers in the part of the dam above the surface of water below the lock, or in the lower wall, are to be of white oak; the timbers below the water may be oak, beech, walnut, or any other strong timber that may be approved of by the Engineer.

Abutments.—The outside wall of the lock will form the abutment at the end of the dam, which abuts against it. On the opposite shore, where the bank consist of rock, the face is to be dressed, or cut off so that the dam timbers may be fitted to the rock, in a manner to make a tight joint and to give them sufficient stability. Where the bank consist of sand, clay, gravel, or other loose earth, an artificial abutment is to be constructed either of rubble wall, or crib work. Where a rock foundation can be obtained by excavating not exceeding 8 feet below low water of the river, an abutment of coursed rubble masonry will be built, of such form and dimensions as the Engineer may direct. The rock upon which the wall is to be laid, will be dressed off to an even horizontal surface. The lower course will be not less than 18 inches thick, each stone in the face of the lower course will be not less than 2 feet wide and 4 feet long, or it will extend 4 feet into the wall. The courses above will be not less than 8 inches thick. Headers 2 feet wide and 4 feet long are to be placed in each course, in the face of the wall, at intervals of 8 feet, measured from centre to centre. The beds of the stretchers are to be 2 feet wide. The beds of the headers and stretchers are to be dressed with the hammer, so as to give them even surfaces. The backing stones are to be of large size and good shape, and generally of the same thickness as the course. The coping stones are to be 10 inches thick, with both beds dressed with a pick or other tool, so as to give them even surfaces. The coping stones are to be of the form represented in the drawings. Each stone shall contain not less than 20 cubic feet. The coping stones are to be secured with cramp irons in the same manner as the lock coping.

The abutment walls are to be laid in mortar, made of hydraulic lime and clean sand; each stone is to be well imbedded in mortar, and when a course shall be laid, the joints are to be carefully filled with grout.

Where a rock foundation cannot be obtained, by excavating to the depth above mentioned, an abutment of crib work is to be built, of such form

and extent, as the character of the bank, after it shall be opened, may require. The cribs for the abutments will be made of white oak timber not less than 1 foot in diameter. The timbers which form the front of the cribs, are to be hewn on the face; the ties are to be dove tailed into the face timbers, and secured by spikes of the size used in the covering of the dam. They may be notched on to the range timbers in the middle and back part of the cribs, and secured by locust pins. A pin or spike is to be put into each point of contact of the timbers, and into each dove tailed joint. The cribs are to be filled with rubble stone, closely packed, to within 2 feet of the top, this 2 feet is to be filled with flat stones, set edgewise, similar to the stones in the tops of the cribs above and below the lock.

In situations where the abutment will not entirely protect the bank against the action of the water, a slope wall made of flat stones not less than 2 feet long or deep, laid with the beds at right angles to the face of the wall, is to be built above and below the abutment whenever directed by the Engineer. When the bank is soft and liable to wash, a layer of gravel or small stone is to be placed under the wall.

After the ends of the dam are raised to the desired height, and covered, and the abutments are finished, a piece of crib work is to be constructed upon each end of the dam, from 5 to 7 feet high at the abutment, and to run to a point at the distance along the weir, of 35 feet. This crib work is to be strongly bolted to the dam, and to be covered with oak timbers of the same thickness as the timbers which cover the lower slope of the dam, and of such length as the Engineer may direct.

PILES.—Where any part of the dam shall be placed on a foundation of gravel, whose depth shall be regarded as great enough to require them, round piles not less than 10 inches in diameter, are to be driven through the gravel, and if possible, to the rock below. The piles are to be driven, as near together as practicable, in ranges across the river: the number of ranges is to be determined by the quality of the river bottom.

GRAVELLING.—When the sheet piling along the upper side of the dam shall be put in, and the covering timber put on, the space above the dam shall be filled with gravel of a kind and quality to be approved by the Engineer. The gravel shall extend up from the dam 50 feet, and it shall be of the depth represented in the drawings.

The space back of the lock wall, on the land side, is to be filled with gravel, or gravel and clay mixed, well packed with a ram. The space behind the abutment is also to be filled with gravel when directed.

All the materials furnished for the lock, dam, abutments and their fixtures, shall be of the best quality, particularly the timber for the gates and mitre sills of the lock, and the iron work for the lock. Any materials delivered at or near the site of the works, which may be condemned or considered unfit for use by the Engineer, or by the person who may be charged with the superintendence of the work, in the absence of the Engineer, shall be forthwith removed by the contractor to a distance beyond the reach of the workmen.

All the materials or labor, not particularly described in the above specification, and which may be required to complete and finish an ordinary lock, dam, and abutments, of the kind represented by the drawings and by these specifications, shall be furnished or performed by the contractor, at his expense; and materials or labor which may be required by the Engineer,

not described in these specifications or represented in the plan, and which does not belong to such ordinary lock, dam, &c., shall be furnished and performed by the contractor, and he shall be paid for such materials and labor at the Engineer's estimate.

☞Persons who offer proposals for the locks and dams, are requested to take notice that all the materials and workmanship described or mentioned in the above specifications, and to be applied to the works, are to be of the kind and quality described in said specifications, and that no relaxation, whatsoever, of the conditions stipulated, will be permitted, unless the Engineer may deem it expedient, and in such case, if the modification allowed, shall diminish the value of the work, a corresponding deduction shall be made in the price.

ARTICLES OF AGREEMENT,

Entered into this fourth day of January one thousand eight hundred and thirty seven, by and between the Commonwealth of Kentucky, by their authorized agents, the Green River Commissioners, of the one part, and Russel M'Rery and Ezekiel Fleming, of the other part:

Witnesseth, That the said M'Rery & Fleming do promise and agree, to furnish all the materials, which shall be in such quantity, and of such a quality, as shall be approved by the Engineer, and perform all the labor necessary to construct and finish in every respect, in the most substantial and workman-like manner, one Lock, viz: Number 1, as now located on Green River, at Spotts' Falls.

The construction of said Lock shall be in every respect according to the specifications hereunto annexed, which are to be considered as a part of this contract. And the work shall be inspected from time to time, by the said Commissioners, or Engineer for the time being, or any Assistant Engineer, which may be employed on the line of improvement; and if, at any time, any mechanic or workman, employed on said work, shall be found unfaithful, or believed to be so, by either the Commissioners or Engineers, then, and in that case the said Commissioners or Engineers shall have power to direct, that any such person be forthwith dismissed, and no longer employed on any part of the work, and every contractor shall dismiss all such persons employed under him whenever thereto directed by said Commissioners, Engineer, or assistant Engineer; and in default of so doing shall be liable to the forfeiture of this contract.

And the said M'Rery & Fleming do further promise and agree, from time to time, during the progress of the work, to conform to such deviations and alterations from the present location of said Lock or plan of construction, as the said Engineer may direct. And if any variation or alteration required by the principal Engineer, should be considered by him unfavorable to the interest of said Contractor, or on the other hand should diminish the amount of labor or expense required by the plan and specifications; then in either case, such additions shall be made to or reductions from the sum hereafter mentioned, to be paid, as the Engineer shall deem just and equitable. And it is mutually agreed, that the decision of the Engineer shall be

final and conclusive, in any dispute which may arise between the said parties; and that the said contract, or any part of it, will not be re-let or transferred to any other person or persons, whatever; and also, that they will personally superintend the work during its progress.

And it is further agreed between the parties, that at least once a month an account shall be given to the Engineer, in writing, of the measures that have been taken, or the contracts that have been made for procuring materials for the Lock, and also, who has been employed as principal or master masons, or carpenters, for the construction.

It is further agreed between the parties, that the work shall be commenced within thirty days from this date, and the materials for the construction of the work shall be delivered at such times and places as may be directed by the Engineer. But if they shall neglect to do so, or if, at any period hereafter, they shall, in the opinion of the Commissioners or Engineer, refuse or neglect to prosecute this contract, with a force proportioned to the quantity of work to be done, and the period within which it is to be completed, or shall sub-contract or re-let this contract, or any part thereof, except for the furnishing materials, or shall not give personal superintendence to the work, the said Commissioner or Engineer, shall have power to determine that this contract has been abandoned; and such determination shall put an end to this contract, and exonerate the State from every obligation thence arising; and the Commissioners may immediately proceed to dispose thereof, in the same manner as if it had never existed.

It is further agreed, that to avoid disputes, as well as interruption and hindrance to the regular and peaceable progress of the different parts of the work, and to prevent unnecesary injury to the rights and property of the neighbors in the vicinity of the work, the Commissioners, Engineer, or assistant Engineer, will dismiss from the service every quarrelsome, disorderly person, and such as shall be addicted to habits of intemperance, or who shall wantonly commit any unnecessary trespass either upon the person, land or other property of the citizens, living, travelling, or working upon or near the work, or be guilty of other offensive misconduct, and the said contractor shall dismiss all similar persons employed at said work, whenever thereto directed by said Commissioners, Engineer, or assistant Engineer.

And the said M'Rery & Fleming to be paid for completing this contract, as follows:

For building and completing Lock No. 1 and finding all the materials, per perch of 25 cubic feet, ten dollars.

For timber in foundation, per foot lineal, twelve cents.

For plank, per square foot, six cents.

For excavating foundations—

Solid rock, one dollar and fifty cents per cubic yard.

All other materials, fifty cents per cubic yard.

Embankment of Lock, twenty five cents per cubic yard.

Puddling of Lock, forty cents per cubic yard.

It is further agreed by the parties, that any items of work that may necessarily occur in constructing said Lock, or in providing materials for the same, or in excavating foundations, not specified in this contract, nor mentioned in the specifications before mentioned, shall be estimated by the Engineer, and paid for accordingly, except that no allowance shall be made for bailing water.

The payments to be made in the following manner: Upon the delivery of the materials at the place or places assigned, the Engineer shall estimate the value of the same, and upon his certificate being presented to the Commissioners, the amount thereof shall be paid, deducting therefrom fifteen per cent; and on or about the fifteenth day of each succeeding month, within the limits of this contract, an estimate shall be made of the quantity of work done, certificate granted, and payment in like proportion made thereon. The fifteen per cent. directed to be retained, to be withheld until the contract is completed. And further, at the expiration of the stipulated period for the completion of this contract, if the whole work shall be completed to the satisfaction of the Commissioners, the said Engineer shall estimate it, and within twenty days after the presentation of this certificate, under his hand, to the commissioners, the balance which may remain in their hands shall be all paid.

And the said M'Rery & Fleming promise and agree to finish and deliver up this contract on or before the twenty fifth day of December in the year of our Lord, one thousand eight hundred and thirty seven.

In witness whereof, the said parties have hereunto set their hands and seals, the day and year above mentioned.

RUSSEL M'RERY,
EZEKIEL FLEMING.

DILLIS DYER,
Acting Commissioner for Board.

N. B.—No extra allowance shall in any case be made for the performance of this contract, beyond the sum stipulated herein.

We hereby assign our right, title, claim and interest in and to the above contract, to William Brown, subject to the ratification of the Green and Barren River Commissioners.

RUSSEL M'RERY,
EZEKIEL FLEMING.

I hereby acknowledge the above contract to be in full force and effect transferred to me, and do hereby bind myself fully and effectually to complete the said work, as therein stipulated.

April, 1837.

WM. BROWN.

ARTICLES OF AGREEMENT,

Entered into this fourth day of January one thousand eight hundred and thirty seven, by and between the Commonwealth of Kentucky, by their authorized agents, the Green River Commissioners, of the one part, and Russel M'Rery and Ezekiel Fleming, of the other part:

Witnesseth, That the said M'Rery & Fleming do promise and agree, to furnish all the materials, which shall be in such quantity, and of such a quality, as shall be approved by the Engineer, and perform all the labor necessary to construct and finish, in every respect, in the most substantial and workman-like manner, one Dam, viz: Number 1, as now located on Green River, at Spotts' Falls.

The construction of said Dam shall be in every respect according to the specifications hereunto annexed, which are to be considered as a part of this contract. And the work shall be inspected from time to time, by the said Commissioners, or Engineer for the time being, or any Assistant Engineer, which may be employed on the line of improvement; and if, at any time, any mechanic or workman, employed on said work, shall be found unfaithful, or believed to be so, by either the Commissioners or Engineers, then and in that case the said Commissioners or Engineers shall have power to direct, that any such person be forthwith dismissed, and no longer employed on any part of the work, and every contractor shall dismiss all such persons employed under him whenever thereto directed by said Commissioners, Engineer, or assistant Engineer, and in default of so doing shall be liable to the forfeiture of this contract.

And the said M'Rery & Fleming do further promise and agree, from time to time, during the progress of the work, to conform to such deviations and alterations from the present location of said Dam or plan of construction, as the said Engineer may direct. And if any variation or alteration required by the principal Engineer, should be considered by him unfavorable to the interest of said contractor, or on the other hand should diminish the amount of labor or expense required by the plan and specifications; then, in either case, such additions shall be made to or reductions from the sum hereafter mentioned, to be paid, as the Engineer shall deem just and equitable. And it is mutually agreed, that the decision of the Engineer shall be final and conclusive, in any dispute which may arise between the said parties; and that the said contract, or any part of it, will not be re-let or transferred to any other person or persons whatever; and also, that they will personally superintend the work during its progress.

And it is further agreed between the parties, that at least once a month an account shall be given to the Engineer, in writing, of the measures that have been taken, or the contracts that have been made for procuring materials for the Dam, and also, who has been employed as principal or master masons, or carpenters, for the construction.

It is further agreed between the parties, that the work shall be commenced within thirty days from this date, and the materials for the construction of the work shall be delivered at such times and places as may be directed by the Engineer. But if they shall neglect to do so, or if, at any period hereafter, they shall, in the opinion of the Commissoners or Engineer, refuse or neglect to prosecute this contract, with a force proportioned to the quantity of work to be done, and the period within which it is to be completed, or shall sub-contract or re-let this contract, or any part thereof, except for the furnishing materials, or shall not give personal superintendence to the work, the said Commissioner or Engineer, shall have power to determine that this contract has been abandoned; and such determination shall put an end to this contract, and exonerate the State from every obligation thence arising; and the Commissioners may immediately proceed to dispose thereof, in the same manner as if it had never existed.

It is further agreed, that to avoid disputes, as well as interruption and hindrance to the regular and peaceable progress of the different parts of the work, and to prevent unnecessary injury to the rights and property of the neighbors in the vicinity of the work, the Commissioners, Engineer, or assistant Engineer, will dismiss from the service every quarrelsome, disorderly

person, and such as shall be addicted to habits of intemperance, or who shall wantonly commit any unnecessary trespass either upon the person, land or other property of the citizens, living, travelling, or working upon or near the work, or be guilty of other offensive misconduct, and the said contractor shall dismiss all similar persons employed at said work, whenever thereto directed by said Commissioners, Engineer, or assistant Engineer.

And the said M'Rery & Fleming to be paid for completing this contract, as follows:

For building and completing Dam No. 1, and finding all the materials, per lineal foot, measured across the stream, thirty three dollars and fifty cents.

For building the abutments and finding all the materials, eight dollars per perch of 25 cubic feet.

For excavation of solid rock, one dollar and fifty cents per cubic yard.

For excavating all other materials, twenty five cents per cubic yard.

For gravelling the Dam, fifty cents per cubic yard.

For embankment around the abutments, twenty five cents per cubic yard.

For puddling, forty cents per cubic yard.

It is further agreed by the parties, that any items of work that may necessarily occur in constructing said Dam, or in providing materials for the same, or in excavating foundations, not specified in this contract, nor mentioned in the specifications before mentioned, shall be estimated by the Engineer, and paid for accordingly, except that no allowance shall be made for bailing water.

The payments to be made in the following manner: Upon the delivery of the materials at the place or places assigned, the Engineer shall estimate the value of the same, and upon his certificate being presented to the Commissioners, the amount thereof shall be paid, deducting therefrom fifteen per cent; and on or about the fifteenth day of each succeeding month, within the limits of this contract, an estimate shall be made of the quantity of work done, certificate granted, and payment in like proportion made thereon. The fifteen per cent. directed to be retained, to be withheld until the contract is completed. And further, at the expiration of the stipulated period for the completion of this contract, if the whole work shall be completed to the satisfaction of the Commissioners, the said Engineer shall estimate it, and within twenty days after the presentation of this certificate, under his hand, to the commissioners, the balance which may remain in their hands shall be all paid.

And the said M'Rery & Fleming promise and agree to finish and deliver up this contract on or before the twenty-fifth day of December in the year of our Lord one thousand eight hundred and thirty seven.

In witness whereof, the said parties have hereunto set their hands and seals, the day and year above mentioned.

DILLIS DYER,
Acting Commissioner for the Board.

RUSSEL M'RERY,
EZEKIEL FLEMING.

N. B.—No extra allowance shall in any case be made for the performance of this contract, beyond the sum stipulated herein.

We hereby assign our right, title, claim, and interest, in the above contract, to William Brown, subject to the ratification of the Green and Barren River Board of Commissioners.

RUSSEL M'RERY,
EZEKIEL FLEMING.

I hereby acknowledge the above contract to be in full force and effect transferred to me, and do hereby bind myself fully and effectually to complete the said work, as therein stipulated.

WM. BROWN.

To SYLVESTER WELCH, ESQ.,
Chief Engineer of Kentucky.

SIR:

The foregoing are correct copies of the contracts of Lock and Dam No. 1, in Green river, the form of which is the same as for No. 4 and No. 1, in Barren.

The contract prices for Lock No. 4, are as follows:

Masonry, per perch of 25 cubic feet, eight dollars and fifty cents.
Timber in foundation, per lineal foot, twelve and a half cents.
Mitre sill timbers, per lineal foot, fifty cents.
Plank in foundation, per square foot, six cents.

For excavating foundation:
Solid rock, per cubic yard, one dollar and fifty cents.
All other materials, per cubic yard, twenty cents.
Embankment of Lock, per cubic yard, twenty five cents.
Puddling of Lock, per cubic yard, forty five cents.

The prices for the Dam are as follows, viz:

For building and completing the Dam, and finding all the materials, per foot lineal, measured across the stream, fifty nine dollars.
Excavating solid rock, per cubic yard, one dollar and fifty cents.
Excavating all other materials, per cubic yard, twenty cents.
For gravelling of the dam, per cubic yard, forty five cents.

The original contractors for No. 4 were J. Barbour & Co.; but before the work was commenced the contracts were assigned over to M. W. Henry, and the work has been executed by him and his executrix, at the foregoing prices.

The following is a list of the contract prices for Lock No. 1, in Barren, viz:

Masonry, per perch of 25 cubic feet, eight dollars and twenty five cents.
Timber in foundation, per lineal foot, twelve cents.
Two inch oak plank in foundation, per square foot, five cents.
Two inch poplar plank in foundation, per square foot, four cents.

For excavating foundation:
Solid rock, per cubic yard, one dollar.
All other materials, per cubic yard, fifty cents.
Embankment of Lock, twenty five cents.
Puddling of Lock, fifty cents.

The lift for the Dam is as follows, viz:

For building the Dam, and finding all the materials, per lineal foot, measured across the stream, fifty seven dollars.

Excavating foundation:

Solid rock, per cubic yard, one dollar.

All other materials, per cubic yard, fifty cents.

Gravelling of the dam, per cubic yard, fifty cents.

The first contractor for No. 1, in Barren, was Henry Shanks; but the work has been executed by William Brown, agreeably to an assignment, and at the above prices.

The contracts for No. 4 and 1, in Barren, were made on the 14th of June 1836, and the works were to have been completed on the first Monday in December, 1837.

These contracts were signed by James R. Skiles, Dillis Dyer, Simpson Stout and Stephen Ashby, as agents for the State.

Yours, respectfully,

J. LIVERMORE,

Acting Resident Engineer.

January 31, 1842.

Ordered, That said response be referred to the committee on Internal Improvement.

Mr. Kennedy from the committee on Enrollments, reported that the committee had examined sundry enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act for the divorce of Willis Isbell.

An act for the divorce of Mary Jane Owen.

An act for the benefit of Temple G. and Sophia Priest.

An act to establish election precincts in the counties of Calloway and Edmonson.

An act for the benefit of Thomas B. Megowan.

An act for the relief of Edward Rumsey, administrator of Richard Elliott, deceased.

An act to extend the June term of the Union Circuit Court, and for other purposes.

An act for the benefit of the heirs of Bennet Rose, dec'd.

An act for the benefit of the officers and guards of the Penitentiary.

An act for the benefit of William H. Bransford.

An act for the benefit of Coleman Graves.

An act to incorporate the Trustees of the Lancaster Presbyterian Church.

An act for the benefit of Coonrod Havens.

An act for the benefit of E. W. Dowden.

An act for the benefit of the County Court of Wayne.

An act for the benefit of Nancy Moore.

An act for the benefit of Joseph C. Stiles.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Kennedy inform the Senate thereof.

After a short time a message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had approved and signed said bills.

The House again resumed the consideration of the bill to establish the county of Marshall.

Ordered, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Mr. Chambers moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the affirmative.

The main question was then put—Shall the bill pass? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Conklin and Nuttall, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barnett,	Gilliam,	Rouse,
Basye,	Harrison,	Rumsey,
Biggs,	Hays,	Sanders,
Botts,	Holbrook,	Smith, B.
Bowman,	Innes,	Smith, J. Speed
Bramlette,	Johnson, D. B.	Smither,
Brawner,	Johnson, R. M.	Stone,
Brien,	Kinkead,	Taylor,
Brown, J. S.	Kirtley,	Thomasson,
Brown, T. D.	Lewis,	Thompson,
Buford,	Lykins,	Todd,
Bullock, W. F.	Marshall, W. C.	Vance,
Busby,	Marshall, W. N.	Wakefield,
Carpenter,	McCann,	Wand,
Chambers,	Martin,	Weir,
Chism,	Morgan,	Whaley,
Chrisman, M. T.	Morin,	White, D.
Clarke,	Munday,	White, J.
Cummins,	Noe,	Wolfe,
Dixon,	Nuttall,	Wortham,
Fible,	Petree,	Young—64.
Gaines,		

Those who voted in the negative, were—

Mr. Speaker,	Fletcher,	McKee,
Messrs. Browder,	Flournoy,	Owsley,
Bullock, E. I.	Garnett,	Skiles,

Chowning,	Gholson,	Swope,
Coombs,	Graham,	Triplett,
Conklin,	Ireland,	Vawter,
Conway,	Jefferson,	Welch,
Cox,	Kennedy, J.	Wickliffe, R.
Craddock,	Kennedy, W.	Wickliffe, R. L.-28
Drake,		

Resolved, That the title of said bill be as aforesaid.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By the committee on Propositions and Grievances—A bill for the benefit of the Simpson Seminary.

By same—A bill authorizing the sale of certain parts of streets in the town of Franklin.

By Mr. Wakefield—A bill allowing an additional Justice of the Peace to the county of Spencer.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of said bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The House again resolved itself into a committee of the whole, on the bill to establish the Kentucky Institute for the education of the blind—Mr. Todd in the chair; and after some time spent therein, the Speaker resumed the chair, when Mr. Todd reported that the committee had, according to order, had under consideration the bill aforesaid, and had instructed him to report said bill to the House without amendment—which he handed in at the Clerk's table.

Ordered, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

On motion of Mr. J. Kennedy,

Ordered, That Mr. Jefferson be added to the committee on Religion.

Mr. Holbrook asked to be discharged from the joint committee appointed to settle the accounts of the Green and Barren River Commissioners—and it was granted.

Messrs. Dixon and Vance asked to be discharged from serving on the select committee to whom was referred the memorial of Henry J. Eastin—and it was granted.

Whereupon Messrs. Todd and Vawter were appointed on said committee.

Mr. Drake moved a reconsideration of the vote disagreeing to the bill from the Senate, entitled, an act for the benefit of William B. Dunlap.

And the question being taken thereon, it was decided in the affirmative.

And then the House adjourned.

WEDNESDAY, FEBRUARY 2, 1842.

A message was received from the Senate announcing their concurrence in the amendment proposed by this House to a bill from that, entitled, an act allowing an additional Constable to the county Nicholas.

And their disagreement to a bill from this House, entitled, an act to amend an act for the benefit of E. Barnes, Peter Able, P. C. Slaughter, Z. Wilcox, and others.

That they had passed bills from this House of the following titles, viz:

An act for the divorce and change of name of Malinda Lane.

An act for the divorce of Alexander Johnson.

An act for the divorce of Rezin Jackson.

An act for the benefit of the Coroner and Surveyor of Greenup county.

An act to bound the Germantown election precinct in the county of Mason.

An act for the benefit of the Sheriff of Ohio county.

An act for the benefit of the town of Somerset.

An act to change the names of the children of Rachel W. Stegall.

An act to amend the law authorizing John M. Weddell to lay off a town on his lands, and for other purposes.

An act to incorporate the Six Mile Academy, near Christiansburg, in Shelby county.

An act to change the time of commencing the August term of the Green Circuit Court.

With amendments to the last named bill.

That they had passsd bills of the following titles, viz:

An act to amend the law concerning slaves.

An act to amend the law concerning the jurisdiction of Magistrates, for sums under an appeal.

An act for the benefit of the widow and heirs of Asa Pittman, dec'd, and James Frazer.

An act for the benefit of Christopher A. Rudd's widow and children.

An act for the benefit of Polly Greenbee, and her four youngest children.

An act to allow John Fonda to adopt his nephew, John Edwin Blumenthal, as his son.

An act allowing additional Constables to the counties of Spencer and Muhlenburg:

An act to amend the charter of the city of Maysville.

An act to provide for the election of Senators, when there is a tie between the candidates.

An act to incorporate the Methodist Episcopal Church in the city of Covington.

An act for the benefit of William Baxter.

An act for the benefit of the Sheriffs of Nicholas and Lawrence counties.

An act for the benefit of Andrew J. Jaines.

An act for the benefit of the heirs and legal representatives of John Hall and Jacob Castleman.

That they had received official information from the Governor that he had approved and signed enrolled bills and a resolution which originated in the Senate, of the following titles, viz:

An act for the benefit of William M. and Eleanor Griggs.

An act for the benefit of George M. Lambert.

An act to allow Jonathan Davidson a change of venue.

An act to incorporate the Trustees of Clay Village Seminary.

An act to authorize and enable the city of Louisville to erect Water Works.

An act for the benefit of Juliet Henry, executrix of Mathis W. Henry, deceased.

An act to amend an act, entitled, an act to incorporate the Louisville Gas and Water Company.

An act for the benefit of Wilson M. Taylor's heirs.

An act for the benefit of the President, Managers and Company of the Lexington, Harrodsburg and Perryville Turnpike Road Company.

Approved January 31, 1842.

A resolution to appoint a committee to settle the accounts of the Board of Green and Barren river Commissioners.

Approved January 31, 1842.

1. Mr. Wortham presented the petition of Thomas Stokes and others, praying the passage of a law authorizing a sale of a tract of land, belonging to the estate of Frances Reynolds, dec'd, for the benefit of her children, five of whom are idiots.

2. Mr. Harrison presented the petition of sundry citizens of the 23d school district, in Christian county, praying the passage of a law repealing the school law, so far as said district is concerned.

3. Mr. Craddock presented the petition of sundry citizens of Hart county, praying the establishment of a Commonwealth's Bank.

Which petitions were severally received, the reading thereof dispensed

with, and referred—the 1st to the committee for Courts of Justice; the 2d to the committee on Education; and the 3d to Messrs. Nuttall, Craddock, Barbour, Sanders, T. D. Brown, Triplett, Conklin, Bramlette and E. I. Bullock.

Mr. W. C. Marshall was appointed on the joint committee to settle the accounts of the Green and Barren River Commissioners.

Mr. Craddock, from the committee on claims, reported a bill for the benefit of John Hockersmith—which was read the first time, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor of Public Accounts be, and he is hereby required, to issue a warrant on the Treasury of this State, in favor of John Hockersmith, for the sum of seventy dollars, to be paid out of any money in the Treasury not otherwise appropriated.

Ordered, That said bill be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Mr. Wakefield moved an amendment to said bill.

Mr. Browder then moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the affirmative.

The main question was then put—Shall the bill be engrossed and read a third time? and it was decided in the negative; and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. W. N. Marshall and D. B. Johnson, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Drake,	Nuttall,
Messrs. Barbour,	Garnett,	Petree,
Botts,	Gilliam,	Sanders,
Bramlette,	Harrison,	Smith, B.
Browder,	Innes,	Smith, J. Speed
Brown, J. S.	Ireland,	Thomasson,
Brown, T. D.	Johnson, R. M.	Thompson,
Buford,	Karrick,	Triplett,
Carlisle,	Kennedy, W.	Todd,
Chambers,	McCann,	Vawter,
Chism,	McKee,	Weir,
Chrisman, M. T.	Martin,	Whaley,
Clarke,	Morin,	White, D.
Conway,	Noe,	Wortham—43.
Craddock,		

Those who voted in the negative, were—

Messrs. Barnett,	Gaines,	Prewitt,
Basye,	Gholson,	Rouse,
Bowman,	Graham,	Rumsey,

Brawner,	Hays,	Smither,
Brien,	Holbrook,	Stone,
Bullock, E. I.	Jefferson,	Taylor,
Busby,	Johnson, D. B.	Vance,
Carpenter,	Kennedy, J.	Wakefield,
Coombs,	Kinkead,	Wand,
Conklin,	Kirtley,	Welch,
Cox,	Lykins,	White, J.
Cummins,	Marshall, W. N.	Wickliffe, R.
Fible,	Morgan,	Wickliffe, R. L.
Fletcher,	Munday,	Young—44.
Flournoy,	Paxton,	

Mr. Nuttall, from the committee for Courts of Justice, to whom was referred bills from the Senate of the following titles, viz:

1. An act concerning the action of replevin.
2. An act allowing William Dalton a change of venue.
3. An act to establish a Library Association at Louisville.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of the 2d and 3d bills having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Nuttall, from the same committee, to whom was referred a bill from the Senate, entitled, an act concerning Bills of Exchange, reported the same with an amendment—which was concurred in.

Ordered, That said bill, as amended, be read a third time.

The following bills were reported by the several committees appointed to to prepare and bring in the same, viz:

By the committee on Privileges and Elections—A bill to establish an election precinct in Fleming county, and for other purposes.

By the committee on Claims—A bill for the benefit of W. and A. Cooper.

By same—A bill for the benefit of Lewis Justice, David Ford, Isaac Taylor and Joshua Robinson.

By the committee for Courts of Justice—A bill for the benefit of the Clerk of the Garrard County Court.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Nuttall, from the same committee, to whom was referred a bill from the Senate, entitled, an act concerning the action of petition and summons, reported the same without amendment.

The question was then put--Shall the bill be read a third time?

And, after some discussion had thereon, the hour of 12 o'clock arrived, when the House proceeded to the orders of the day.

Ordered, That the bill to appropriate the sales of the pub.ic lands to the payment of the State's debt for Interual Improvement, be postponed and referred to a committee of the whole House for Wednesday the 9th instant.

Ordered, That the bill to regulate the Court of Appeals be postponed and referred to a committee of the whole House for Monday the 7th instant.

The amendments proposed by the Senate to bills from this House of the following titles:

An act to amend the law regulating the conveyance of lands sold by Sheriffs.

An act to prevent Druggists, &c., from selling poisonous drugs to slaves and minors.

An act to change the time of commencing the August term of the Green Circuit Court.

Were taken up, twice read, and concurred in.

Bills from the Senate of the following titles, viz:

1. An act to incorporate the Trustees of the Hawesville Seminary.
2. An act for the benefit of William Quisenberry.
3. An act to regulate the town of Cadiz.
4. An act to incorporate the Pilots and Commercial Insurance Company.
5. An act to amend an act providing that the fines and forfeitures in this Commonwealth shall be a fund for the payment of jurors, approved February 15, 1838.
6. An act for the benefit of John W. Hickman.
7. An act to divorce Catharine Pepper, and to change her name.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with—the 1st and 4th were referred to the committee on Education; the 2d, 6th and 7th to the committee on Religion; and the 3d and 5th to the committee for Courts of Justice.

The Speaker laid before the House a communication from the President of the Board of Internal Improvement, which is as follows, viz:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,
February 2, 1842.

SIR:

I am instructed, by the Board of Internal Improvement, to communicate to the two branches of the Legislature the information contained in the accompanying letter of A. P. Cox, Secretary of this Board, showing a discrepancy, recently discovered, in the accounts of the two Boards therein alluded to, amounting to $15,300. Immediately on the discovery of this discre-

pancy, the cause of which appears to have occurred in the year 1838 or '39, the Board caused a letter to be addressed to Simpson Stout, Esq., requesting his attendance here without delay, with all the books, accounts, &c., to enable us, if practicable, to detect the error alluded to.

All of which is respectfully submitted to the consideration of the House of Representatives.

THOMAS METCALFE, *Pres. B. I. I.*

To the Hon. C. S. MOREHEAD,
Speaker of the House of Representatives.

THOMAS METCALFE, ESQ.,
President of the Board of Internal Improvement of Kentucky:

SIR:

By reference to the report of the Secretary of the Green and Barren river Commissioners, dated the 25th of December, 1841, you will discover that he acknowledges that said Commissioners had received, up to that date, *only* the sum of, - - - - - - - $741,017 69

Upon a careful examination of their previous reports, I find that a portion of said sum, viz: $1,044 69, was not received from the Board of Internal Improvement, - - - - - - 1,044 69

True amount acknowledged to have received from Board of Internal Improvement, - - - $739,973 00

The Board of Internal Improvement has also paid for the Green and Barren river works, for lime and freight on same, this sum, - - - - 7,001 15

$746,974 15

The tabular statement accompanying the annual report of the Board of Internal Improvement to the present General Assembly, shows that the Board had paid to the Green and Barren river Commissioners, and for them, this sum, - - - 762,274 15

Showing a difference between the reports of the Board of Internal Improvement, and said Commissioners, of this sum, - - - - - - $15,300 00

Very respectfully,

February 2, 1842. AUSTIN P. COX, *Sec. B. I. I.*

Ordered, That said communication be referred to the joint committee appointed to settle the accounts of the Green and Barren River Commissioners.

A bill from the Senate, entitled, an act for the benefit of Samuel Lawler, was read the first time, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Samuel Lawler is hereby released from all the penalties of an act to prevent the importation of slaves into this State, approved on the 2d day of

February, 1833, incurred by reason of said Lawler's having purchased a negro woman slave, and her five children, who were purchased by the said Lawler after having been imported into this State: *Provided*, That said Lawler shall make oath before the Clerk of the County Court in which he resides, that he did not know that said slaves had been brought into this State from another State or country, at the time he purchased them; which affidavit shall be filed in the said Clerk's office.

Ordered, That said bill be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Mr. Fletcher moved to amend said bill by adding thereto the following section, viz:

That any person or persons, being citizens of this State, who have incurred any liability, by a violation of any law now existing in this State prohibiting the importation of any slave or slaves, shall be and they are hereby released from all liability whatsoever: *Provided*, He, she, or they, file an affidavit in the Clerk's office of the county in which he, she or they may reside, stating in said affidavit, that he, she or they were ignorant of the law of 1833, at the time of the purchase or importation of said slave or slaves.

Mr. Chambers then moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Fletcher and McKee were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Flournoy,	Rouse,
Messrs. Barnett,	Garnett,	Rumsey,
Biggs,	Gholson,	Smith, B.
Botts,	Gilliam,	Smither,
Bowman,	Graham,	Stone,
Bramlette,	Hays,	Swope,
Brawner,	Holbrook,	Thomasson,
Brien,	Innes,	Thompson,
Browder,	Ireland,	Triplett,
Bullock, E. I.	Jefferson,	Todd,
Busby,	Karrick,	Vance,
Carpenter,	Kennedy, J.	Vawter,
Chambers,	Kennedy, W.	Wakefield,
Chism,	Kinkead,	Wand,
Chowning,	Lykins,	Welch,
Clarke,	Marshall, W. C.	Whaley,
Conklin,	Marshall, W. N.	White, J.
Cox,	Munday,	Wolfe,
Cummins,	Paxton,	Wortham,
Drake,	Petree,	Young—62.
Fible,	Prewitt,	

Those who voted in the negative, were—

Messrs. Barbour,	Gaines,	Nuttall,
Brown, J. S.	Harrison,	Owsley,
Brown, T. D.	Johnson, R. M.	Sanders,
Buford,	Kirtley,	Taylor,
Chrisman, M. T.	McCann,	Weir,
Conway,	McKee,	White, D.
Craddock,	Martin,	Wickliffe, R.
Fletcher,	Morgan,	Wickliffe, R. L.-24

The main question was then put—Shall the bill be engrossed and read a third time? and it was decided in the negative; and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. M'Kee and Craddock, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barnett,	Flournoy,	Rumsey,
Biggs,	Gilliam,	Sanders,
Botts,	Ireland,	Smith, B.
Bramlette,	Johnson, R. M.	Swope,
Brawner,	Kennedy, W.	Taylor,
Brien,	Marshall, W. N.	Triplett,
Browder,	Martin,	Wand,
Brown, J. S.	Morgan,	Weir,
Carpenter,	Nuttall,	Welch,
Chism,	Paxton,	Whaley,
Chowning,	Petree,	White, J.
Chrisman, M. T.	Prewitt,	Wortham,
Clarke,	Rouse,	Young—40.
Fible,		

Those who voted in the negative, were—

Mr. Speaker,	Garnett,	McKee,
Messrs. Barbour,	Gholson,	Munday,
Bowman,	Graham,	Owsley,
Brown, T. D.	Harrison,	Smither,
Buford,	Hays,	Stone,
Bullock, E. I.	Holbrook,	Thomasson,
Busby,	Innes,	Thompson,
Chambers,	Jefferson,	Todd,
Conklin,	Karrick,	Vance,
Conway,	Kennedy, J.	Vawter,
Cox,	Kinkead,	Wakefield,
Craddock,	Kirtley,	White, D.
Cummins,	Lykins,	Wickliffe, R.
Drake,	Marshall, W. C.	Wickliffe, R. L.
Fletcher,	McCann,	Wolfe—46.
Gaines,		

Mr. R. L. Wickliffe moved a reconsideration of the vote rejecting the bill for the benefit of John Hockersmith.

And the question being taken thereon, it was decided in the affirmative.

Then the House adjourned.

THURSDAY, FEBRUARY 3, 1842.

A message was received from the Senate, announcing the passage of bills from this House of the following titles, viz:

An act for the benefit of all those who may have executed bonds to the Commonwealth for public arms.

An act for the benefit of the administrator and securities of Richard Oldham, deceased.

An act vacating certain lots in the town of Canton.

An act to allow an additional Justice of the Peace to the county of Spencer.

An act to establish the county line between the counties of Greenup, Carter and Lawrence.

With an amendment to the last bill.

And that they had passed bills of the following titles, viz:

An act to amend an act, providing that the estates of persons dying without heirs or distributees shall vest in the Commonwealth, and for other purposes.

An act to amend the laws exempting certain property from execution.

An act to incorprrate the Funk Seminary.

An act to incorporate the Trustees of the Parsonage of the Mt. Sterling circuit of the Methodist Episcopal Church.

An act granting a change of venue to John Hughes.

An act for the benefit of Benjamin Doom and Jonathan Simpson.

An act for the benefit of the heirs, legal representatives and securities of George A. M. Elder.

An act for the benefit of George W. Bush and others.

An act for the benefit of Charles B. May, Surveyor of Spencer county.

An act to authorize the County Court of Morgan county to straighten the State road.

An act to allow three additional Constables to Spencer county.

An act for the benefit of James J. Wood, Coroner of Spencer county.

1. Mr. Carlisle presented the petition of sundry citizens of the town of

Independence, in Kenton county, praying the passage of a law incorporating said town.

2. Mr. W. F. Bullock presented the petition of Sarah T. Floyd, praying the passage of a law authorizing a sale of certain real estate in the city of Louisville, for the benefit of Georgiana Carrell, infant heir of W. B. Carrell, deceased.

3. Mr. Munday presented the petition of Merit S. Jones, praying that a a credit be allowed him on his bond, or lease, of the toll gate in Madison county, on the Wilderness road.

4. Mr. Vawter presented the petition of sundry citizens of Florence, in Boone county, praying an extension of the limits of said town.

5. Mr. Vance presented the petition of Catharine Blair, praying to be divorced from her husband, Samuel Blair.

6. Mr. Wolfe presented the remonstrance of the Mayor and Council of the city of Louisville, against the separation of the 8th ward from the city.

7. Mr. Vance presented the petition of Knott, Mahan & Co., praying compensation for losses sustained by them on State bonds.

8. Mr. Dixon presented the petition of the Trustees of the town of Henderson, praying an amendment of the laws regulating said town.

9. Mr. Triplett presented the remonstrance of sundry citizens of Daviess county, against the formation of a new county out of part thereof.

10. Mr. Thomasson presented the petition of William Bowman, Jailor of Casey county, praying the passage of a law permitting him to reside a greater distance from the jail than is now allowed by law.

11. Mr. Carpenter presented the petition of Frederick Hecter, guardian of Mary Frances and Catharine R. Sears, praying the passage of a law authorizing him to sell the real estate of his said wards.

Which petitions and remonstrances were severally received, the reading thereof dispensed with, and referred—the 1st to Messrs. Carlisle, Thompson, Welch and D .B. Johnson; the 2d, 8th and 11th to the committee for Courts of Justice; the 3d and 7th to the committee on Internal Improvement; the 4th, 6th, 9th and 10th to the committee on Propositions and Grievances; and the 5th to the committee on Religion.

The House again resumed the consideration of the bill from the Senate, entitled, an act concerning the action of petition and summons.

Mr. Garnett moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the affirmative.

The main question was then put—Shall the bill be read a third time? and it was decided in the affirmative.

Mr. W. C. Marshall moved that said bill have its third reading on this day.

And the question being taken thereon, it was decided in the affirmative.

The said bill was then read a thrid time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in actions of petition and summons, it shall not be ground of abatement of the action, that the note or instrument sued on, is not filed with the petition at the institution of the action; but the defendant may enforce the filing of the note or instrument sued on, upon the calling of the case in court, by craving oyer, as in actions of debt or covenant.

Mr. Kinkead moved to amend said bill by adding thereto the following engrossed clause by way of rider, viz:

Be it further enacted, That it shall be ground of abatement, and may be so pleaded, unless the note shall be filed on or before the day the case is set for trial.

Mr. Gaines then moved to lay said bill and amendment on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Gaines and D. B. Johnson, were as follows:

Those who voted in the affirmative, were—

Messrs. Barbour,	Fletcher,	Morgan,
Barnett,	Flournoy,	Munday,
Biggs,	Gaines,	Noe,
Bowman,	Gholson,	Owsley,
Brien,	Gilliam,	Paxton,
Brown, J. S.	Graham,	Sanders,
Brown, T. D.	Harrison,	Smith, B.
Buford,	Holbrook,	Smith, J. Speed
Bullock, W. F.	Innes,	Stone,
Busby,	Ireland,	Swope,
Carlisle,	Johnson, D. B.	Taylor,
Chowning,	Johnson, R. M.	Thomasson,
Clarke,	Kennedy, J.	Triplett,
Coombs,	Kennedy, W.	Vance,
Conklin,	Kirtley,	Wand,
Conway,	Lykins,	Welch,
Cox,	Marshall, W. N.	White, J.
Cummins,	McCann,	Wickliffe, R. L.
Drake,	McKee,	Wolfe,
Fible,	Martin,	Young—60.

Those who voted in the negative, were—

Mr. Speaker,	Dixon,	Petree,
Messrs. Botts,	Forman,	Prewitt,
Bramlette,	Garnett,	Smither,
Brawner,	Hays,	Thompson,
Browder,	Jefferson,	Todd,
Bullock, E. I.	Karrick,	Vawter,
Carpenter,	Kinkead,	Wakefield,
Chambers,	Marshall, W. C.	Weir,
Chism,	Morin,	Whaley,
Chrisman, M. T.	Nuttall,	Wickliffe, R.—31.
Craddock,		

Mr. Nuttall, from the committee for Courts of Justice, to whom was referred the petition of the Justices of the Peace of Floyd county, asked to be discharged from the further consideration thereof—which was granted.

Mr. J. Speed Smith, from the committee on Banks, made the following report:

[*For the Report—see Legislative Documents.*]

Ordered, That the Public Printer forthwith print 500 copies of said report for the use of the members of this House.

Mr. Nuttall, from the committee for Courts of Justice, to whom was referred bills from the Senate of the following titles, viz:

An act for the benefit of John S. Bush.

An act for the benefit of Mary Hall and her children.

Reported the same without amendment.

Ordered, That said bills be read a third time.

Mr. M'Kee, from the committee for Courts of Justice, reported a bill to authorize the Trustees of the town of Lancaster to sell certain alleys in said town, and for other purposes—which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. R. Wickliffe, Jr., from the same committee, reported a bill for the benefit of David Morris—which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

The question was then put—Shall the bill be engrossed and read a third time? And after some discussion had thereon, the hour of 12 o'clock arrived, when the House proceeded to the orders of the day.

Ordered, That the bill for the benefit of John Hockersmith be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House then resolved itself into a committee of the whole on the State of the Commonwealth—Mr. Dixon in the chair, on the bill for the benefit of the mechanics and laborers of this Commonwealth; and after some time spent therein, the Speaker resumed the chair, when Mr. Dixon reported that the committee had, according to order, had under consideration the

bill aforesaid, and had instructed him to report the bill to the House without amendment—and he handed in said bill at the Clerk's table.

The said bill was then read as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the carpenters, joiners, brick masons, stone masons, plasterers, turners, painters, brick makers, lumber merchants, and all others performing labor or furnishing materials for the construction or repair of any building within this Commonwealth, (Journeymen excepted,) shall have a lien, to the extent of their respective interests upon the building they may construct or repair, or towards the construction or repairing of which, they may have furnished materials; and also, upon the lot or tract of land on which such building is situate; which lien shall extend to the interest of the employer or employers, in and to such building and lot or land.

SEC. 2. *Be it further enacted*, That if such employer or employers hold or claim by executory contract, and for any cause whatever such executory shall be set aside or rescinded, the lien herein given shall continue, so far as the person or persons to whom the estate may come, or with whom it may remain by reason of such recission or setting aside, shall be made richer by such building, repairing, or materials furnished.

SEC. 3. *Be it further enacted*, That when the employer or employers shall, by judgment at law or decree in equity, be evicted from the premises, and shall, by the rules of law or equity, be entitled to compensation from the successful claimant, for improvements made on the premises, the person or persons who, under the provisions of this act, have liens as against such employer or employers, shall, to the extent of their liens respectively, be substituted for the person evicted, and recover compensation from the successful claimant, so far as, by law or equity, such claimant is bound to make compensation to the person evicted.

SEC. 4. *Be it further enacted*, That the lien herein declared shall exist against private corporations, private *quasi* corporations, and societies, or trustees holding estate for charitable uses, whether the building, repairing or furnishing of materials, shall be done or furnished at the request of such corporation, *quasi* corporation, society or trustees, or by their servants or agents, authorized by parole or otherwise.

SEC. 5. *Be it further enacted*, That all and every person or persons claiming a lien in virtue of this act, shall, within six months after the completion of the building or repairing, or furnishing materials, or within six months after the cessation of work thereon, by order of him, her, or them, against whom the lien is sought to be enforced, file in the Clerk's office of the Court of the county where the work has been performed, or the materials furnished, his, her, or their accounts, specifying the lien claimed by him, her or them, which shall operate as notice to the world of such lien; and no lien shall exist in favor of any person or persons, in virtue of this act, who shall not have filed such account within the time aforesaid, or proceed by suit to enforce said lien, in which latter case, the *lis pendens* shall be construed to commence from the time of filing the bill.

SEC. 6. *And be it further enacted*, That the rules of equity for the time being, for the enforcement of liens and the settling of priorities, shall govern in cases arising under this act, both as to all persons claiming liens in virtue hereof, and other claimants.

Mr. Thomasson then moved to amend said bill by adding to the first section the following:

That all laborers shall have a lien upon the property, whether real or personal, upon which his labor has been bestowed, for the payment of the wages for services performed.

And the question being taken on adopting said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. W. C. Marshall and Chambers, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barbour,	Dixon,	Petree,
Basye,	Fible,	Prewitt,
Biggs,	Fletcher,	Rouse,
Botts,	Gaines,	Rumsey,
Bowman,	Garnett,	Sanders,
Brien,	Gholson,	Smith, B.
Browder,	Harrison,	Smith, J. Speed
Buford,	Holbrook,	Smither,
Bullock, E. I.	Ireland,	Stone,
Bullock, W. F.	Johnson, D. B.	Thomasson,
Busby,	Johnson, R. M.	Thompson,
Carlisle,	Karrick,	Triplett,
Carpenter,	Kennedy, J.	Todd,
Chambers,	Kennedy, W.	Vance,
Chism,	Kirtley,	Vawter,
Chowning,	Marshall, W. C.	Wakefield,
Chrisman, M. T.	Marshall, W. N.	Weir,
Clarke,	Martin,	Welch,
Conklin,	Morgan,	White, J.
Cox,	Morin,	Wortham,
Craddock,	Munday,	Young—65.
Cummins,	Paxton,	

Those who voted in the negative, were—

Mr. Speaker,	Gilliam,	McKee,
Messrs. Barnett,	Graham,	Noe,
Bramlette,	Hays,	Swope,
Brawner,	Innes,	Taylor,
Conway,	Jefferson,	Wickliffe, R.
Drake,	Kinkead,	Wickliffe, R. L.
Flournoy,	Lykins,	Wolfe—23.
Forman,	McCann,	

Mr. Rumsey then moved to lay said bill, as amended, on the table until the first day of June next.

And the question being taken thereon it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Rumsey and Conway, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Dixon,	Paxton,
Messrs. Barbour,	Drake,	Petree,
Barnett,	Fible,	Prewitt,
Basye,	Flournoy,	Rouse,
Botts,	Forman,	Rumsey,
Bowman,	Garnett,	Smith, B.
Bramlette,	Gholson,	Smith, J. Speed
Brawner,	Gilliam,	Stone,
Browder,	Hays,	Swope,
Buford,	Holbrook,	Taylor,
Bullock, E. I.	Innes,	Thomasson,
Bullock, W. F.	Jefferson,	Thompson,
Busby,	Karrick,	Triplett,
Carlisle,	Kennedy, J.	Todd,
Carpenter,	Kennedy, W.	Vance,
Chambers,	Kirtley,	Vawter,
Chism,	Lykins,	Wakefield,
Chrisman, M. T.	Marshall, W. C.	Weir,
Conklin,	Martin,	Welch,
Cox,	Morgan,	White, D.
Craddock,	Munday,	Young—64.
Cummins,		

Those who voted in the negative, were—

Messrs. Biggs,	Ireland,	Noe,
Brien,	Johnson, D. B.	Sanders,
Chowning,	Johnson, R. M.	Smither,
Clarke,	Kinkead,	White, J.
Conway,	Marshall, W. N.	Wickliffe, R.
Fletcher,	McCann,	Wickliffe, R. L.
Gaines,	McKee,	Wolfe,
Graham,	Morin,	Wortham—25.
Harrison,		

And then the House adjourned.

FRIDAY, FEBRUARY 4, 1842.

A message was received from the Senate announcing the passage of bills from this Honse of the following titles, viz:

An act to establish the Kentucky Institution for the education of the blind.

An act for the benefit of the Trustees of the Simpson Seminary.

An act authorizing the sale of certain parts of streets in the town of Franklin.

An act to vacate a part of the town of Westport, and for other purposes.

With an amendment to the last named bill.

That they had passed bills of the following titles, viz:

An act to establish the true line between Franklin and Scott counties.

An act for the benefit of Beverly Megary.

1. Mr. Gaines presented the petition of Knott, Mahan & Co., praying compensation for services rendered in 1840, and materials furnished for passing boats through Lock No. 4, on the Kentucky river.

2. Mr. Bramlette presented the petition of Harry I. Todd, praying compensation for services rendered in the Register's office.

3. Mr. Nuttall presented the petition of sundry citizens of Henry, Oldham and Trimble counties, praying the establishment of a Commonwealth's Bank.

Which petitions were severally received, the reading thereof dispensed with, and referred—the 1st and 2d to the committee on Claims; and the 3d to Messrs. Nuttall, Craddock, Barbour, Sanders, T. D. Brown, Triplett, Conklin, Bramlette and E. I. Bullock.

The House again resumed the consideration of the bill for the benefit of Davis Morris.

Ordered, That said bill be referred to the committee on Claims.

Mr. Kinkead, from the committee for Courts of Justice, reported a bill concerning the Court of Appeals—which was read the fisrt time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with,

The question was then taken on the passage of said bill, and decided in the negative.

The yeas and nays being required thereon by Messrs. Nuttall and Graham, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Basye,	Forman,	Paxton,
Biggs,	Gaines,	Petree,
Botts,	Garnett,	Skiles,
Brien,	Holbrook,	Smith, J. Speed
Browder,	Innes,	Swope,
Brown, J. S.	Ireland,	Thomasson,
Buford,	Jefferson,	Todd,
Bullock, W. F.	Karrick,	Vance,
Chambers,	Kinkead,	Vawter,
Chrisman, M. T.	Kirtley,	Wakefield,
Clarke,	Marshall, W. C.	Wand,
Cox,	McCann,	Weir,
Dixon,	McKee,	White, D.
Drake,	Martin,	White, J.
Fible,	Owsley,	Wortham—45.

Those who voted in the negative, were—

Mr. Speaker,	Cummins,	Noe,
Messrs. Barbour,	Gholson,	Nuttall,
Barnett,	Gilliam,	Rumsey,
Bowman,	Graham,	Sanders,
Bramlette,	Harrison,	Smith, B.
Brawner,	Hays,	Smither,
Brown, T. D.	Johnson, D. B.	Stone,
Bullock, E. I.	Johnson, R. M.	Taylor,
Busby,	Kennedy, J.	Thompson,
Carlisle,	Lewis,	Triplett,
Carpenter,	Lykins,	Welch,
Chism,	Marshall, W. N.	Wickliffe, R.
Chowning,	Morgan,	Wickliffe, R. L.
Coombs,	Morin,	Wolfe,
Conklin,	Munday,	Young—46.
Conway,		

Mr. Hays then moved a reconsideration of the vote rejecting said bill.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. R. Wickliffe, Jr., and Graham, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Basye,	Fible,	Petree,
Biggs,	Forman,	Skiles,
Botts,	Garnett,	Smith, B.
Brien,	Hays,	Smith, J. Speed
Browder,	Holbrook,	Swope,
Brown, J. S.	Innes,	Thomasson,
Buford,	Ireland,	Triplett,
Bullock, E. I.	Jefferson,	Todd,

Bullock, W. F.	Karrick,	Vance,
Chambers,	Kinkead,	Vawter,
Chrisman, M. T.	Kirtley,	Wakefield,
Clarke,	Marshall, W. C.	Wand,
Conway,	Marshall, W. N.	Weir,
Cox,	McCann,	White, D.
Dixon,	McKee,	Wortham—47.
Drake,	Martin,	

Those who voted in the negative, were—

Mr. Speaker,	Gholson,	Owsley,
Messrs. Barbour,	Gilliam,	Paxton,
Barnett,	Graham,	Rumsey,
Bowman,	Harrison,	Sanders,
Bramlette,	Johnson, D. B.	Smither,
Brown, T. D.	Johnson, R. M.	Stone,
Busby,	Kennedy, J.	Taylor,
Carlisle,	Lewis,	Thompson,
Carpenter,	Lykins,	Welch,
Chism,	Morgan,	White, J.
Chowning,	Morin,	Wickliffe, R.
Coombs,	Munday,	Wickliffe, R. L.
Conklin,	Noe,	Wolfe,
Cummins,	Nuttall,	Young—43.
Gaines,		

The question was again put on the passage of said bill, and after some discussion had thereon the hour of 12 o'clock arrived, when the House proceeded to the orders of the day.

The House resolved itself into a committee of the whole, on the State of the Commonwealth—Mr. Vance in the chair, on the bill concerning the Lexington and Ohio Railroad; and after some time spent therein, the Speaker resumed the chair, when Mr. Vance reported that the committee had, according to order, had under consideration the bill aforesaid, and had made some progress therein, but not having time to go through the same, had instructed him to ask leave to sit again—which was granted.

And then the House adjourned.

SATURDAY, FEBRUARY 5, 1842.

A messsage was received from the Senate announcing their disagreement to a bill from this House, entitled, an act to change the time of holding the Court of Assessment for the 110th regiment of Kentucky militia.

That they had passed bills from this House of the following titles, viz:

An act for the benefit of Lewis Justice, David Ford, Isaac Taylor and Joshua Robinson.

An act for the benefit of the Clerk of the Garrard County Court.

That they had passed bills of the following titles, viz:

An act authorizing Joel P. Williams and others to sell a certain church in Harrodsburg.

An act for the benefit of Fontaine Withers and children.

An act to reduce the number of Justices of the Peace in Nicholas county.

An act for the benefit of Emily Jackson.

An act for the benefit of the Sheriff of Carter county.

An act for the benefit of Jacob Mayo, late Clerk of Floyd Circuit Court.

An act for the benefit of the heirs of John Nichols, Jr., dec'd.

And had adopted a resolution relative to the duties of the Public Printer.

1. Mr. R. M. Johnson presented the petition of Knott, Mahan & Co., praying compensation for repairs on the locks and dams on the Kentucky river.

2. Mr. Fible presented the petition of Catharine Blackaby, praying to be divorced from her husband, Henry Blackaby.

3. Mr. Cornish presented the petition of Eli Satterfield, praying that a law be passed authorizing him to sell spirituous liquors, without a license.

4. Mr. Wortham presented the petition of the Graves County Court, praying that the number of Justices in said county be reduced, and for other purposes.

5. Also, the petition of sundry citizens of Graves county, praying the passage of a law allowing an additional Justice of the Peace to said county.

Which petitions were severally received, the reading thereof dispensed with, and referred—the 1st to the committee on Internal Improvement; the 2d to the committee on Religion; the 3d to the committee on Propositions and Grievances; and the 4th and 5th to the committee for Courts of Justice.

On motion of Mr. Holbrook,

Ordered, That it be stated on the Journal that he voted in the affirmative, on the 28th January, on granting leave to the committee of the whole to sit again on the joint resolutions proposed by Mr. Thomasson; and that he voted in the negative on the amendment proposed by Mr. Conway to said resolutions; and that he voted in the negative on the motion made by Mr. Nuttall to lay said resolutions, and the substitute proposed by Mr. R. Wickliffe, Jr., on the table until the first day of June—the Clerk not having heard his response when called.

Mr. Flournoy, from the committee on Enrollments, reported that the committee had examined sundry enrolled bills which originated in this House, of the following titles, viz:

An act for the divorce of Rezin Jackson.

An act for the benefit of the Coroner and Surveyor of Greenup county.

An act authorizing the sale of certain parts of streets in the town of Franklin.

An act for the benefit of the Trustees of the Simpson Seminary.

An act to amend the several laws appropriating the vacant lands to the counties in which they lie.

An act to establish the Kentucky Institute for the education of the blind.

An act for the benefit of James K. Gallion, late Sheriff of Whitley county.

An act for the benefit of James G. Hardy and James P. Bates.

An act for the benefit of Solomon Rhodes, former Sheriff of Muhlenburg county.

An act for the benefit of the Bear Grass Baptist Church.

An act to prevent Druggists, &c., from selling poisonous drugs to slaves and minors.

An act to amend the law regulating the conveyance of lands sold by Sheriffs.

An act for the divorce of Alexander Johnson.

An act for the divorce and change of name of Malinda Lane.

An act to bound the Germantown election precinct in the county of Mason.

An act for the benefit of the Sheriff of Ohio county.

An act authorizing the lease or purchase of a lot of ground for the use of the Penitentiary.

An act to repeal a part of an act regulating the Christian Academy, approved January 31, 1828.

An act to amend the law authorizing John M. Weddell to lay off a town on his lands, and for other purposes.

An act for the benefit of the town of Somerset.

An act to change the time of commencing the August term of the Green Circuit Court, and to alter the terms of the Estill County Court to the second Monday of the month.

An act vacating certain lots in the town of Canton.

An act to allow an additional Justice of the Peace to the county of Spencer.

An act for the benefit of all those who may have executed bonds to the Commonwealth for public arms.

An act for the benefit of the administrator and securities of Richard Oldham, deceased.

An act to change the names of the children of Rachel W. Stegall.

An act to incorporate the Six Mile Academy, near Christiansburg, in Shelby county.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Flournoy inform the Senate thereof.

After a short time a message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had approved and signed said bills.

Mr. Flournoy from the committee on Enrollments, reported that the committee had examined sundry enrolled bills which originated in the Senate of the following titles, and had found the same truly enrolled, viz:

An act allowing additional Justices of the Peace and Constables to certain counties, and for other purposes.

An act allowing William Dalton a change of venue.

An act to establish a Library Association at Louisville.

An act for the benefit of the widow and infant children of Benjamin Hart, deceased.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Flournoy inform the Senate thereof.

Mr. Gaines from the select committee, to whom was referred a bill from the Senate, entitled, an act concerning the 17th judicial district, reported the same with an amendment—which was concurred in.

Ordered, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. M'Kee moved the following resolution, viz:

Resolved, That the Committee for Courts of Justice be instructed to enquire into the expediency and propriety of passing a law prohibiting Clerks of Circuit Courts from practicing law, or acting as collecting agents, within their respective circuits; and that they report by bill or otherwise.

Which being twice read was adopted.

Mr. Thomasson read and laid on the table the following resolutions, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the recent report of the joint committee on Banks has inspired the General Assembly with confidence, and they believe will produce the like feeling on the part of the people; that the Banks are solvent, and that they are now safely and prudently managed; that coercion on the part of the General Assembly would be wrong in principle, and destructive of the best interests of the State, and unnecessarily oppressive upon the people; that no proceedings will be instituted to procure a forfeiture of the charters of the Banks.

Resolved, That the General Assembly expects the Banks in this State to resume specie payments, as soon as the Banks in the neighboring States shall do so.

Resolved, That the Bank of Kentucky and branches may issue on discounnt $ ———, in notes of the denomination of five dollars and under; and in like manner the Northern Bank of Kentucky and branches may issue on discount $ ———, in notes of like denominations; and that the

Bank of Louisville may issue on discount $———, in notes of like denominations; which notes shall bear date on the day of their issue; and should said Banks resume specie payments, they shall not be compelled to redeem said issues with specie, but shall receive the same for all debts due the bank or branches issuing the same.

Mr. Wand asked leave to withdraw the petition of the Christian Church in Butler county—which was granted, and the petition withdrawn.

Mr. J. White asked leave to withdraw the petition of James M. Compton, which was granted, and the petition withdrawn.

Mr. W. F. Bullock from the select committee, to whom was referred the memorial of the Medical Faculty of Transylvania University, asked to be discharged from the further consideration thereof—which was granted.

On motion of Mr. J. Speed Smith,

Ordered, That the Public Printer forthwith print 500 copies of the documents accompanying the report of the committee on Banks for the use of the members of this House.

Leave was given to bring in the following bills, viz:

On motion of Mr. Vawter—1. A bill to amend the law in relation to Internal Improvements.

On motion of Mr. Forman—2. A bill to sell the Locust meeting house and lands, belonging to the Methodist Episcopal Church in Fleming county, and for other purposes.

On motion of Mr. McCann—3. A bill to compel foreign insurance offices and brokers to obtain license.

On motion of same—4. A bill to amend the law concerning public roads.

On motion of Mr. R. Wickliffe, Jr.—5. A bill to amend the several acts authorizing fire companies in Lexington.

On motion of Mr. M'Kee—6. A bill to prohibit the officers of courts from becoming security in certain bonds, and for other purposes.

On motion of same—7. A bill to authorize the agent of the State to sell seven acres of land in the county of Garrard, and to dispose of the proceeds of sale.

On motion of same—8. A bill to authorize the issue of *fifa's* in certain cases, without *scire facias*, and to subject real estate to execution, and for other purposes.

On motion of Mr. W. N. Marshall—9. A bill for the benefit of Francis H. Graves, of Green county.

On motion of Mr. Barnett—10. A bill to change the time of holding the Green County Court.

On motion of Mr. Lewis—11. A bill to protect the mechanics of the town of Hickman, in the county of Hickman.

On motion of Mr. Dixon—12. A bill for the benefit of Owen Thomas.

On motion of same—13. A bill to amend an act, entitled, an act to reduce into one the several acts, or parts of acts, concerning Sheriffs, approved December 19, 1796.

On motion of same—14. A bill for the benefit of the Versailles Volunteer Artillery Company.

On motion of same—15. A bill for the benefit of Ezekiel H. Field, &c.

On motion of Mr. Nuttall—16. A bill authorizing town Marshals to execute process within the limits of the county on offenders for breaches of the peace, committed in the limits of their towns.

On motion of same—17. A bill for the benefit of the Clerk of the County Court of Owen.

On motion of Mr. Hays—18. A bill to amend the law in relation to distress for rent, and for other purposes.

On motion of same—19. A bill to amend the law in relation to the Goose Creek Salt Works Road in Knox and Clay counties, and for other purposes.

On motion of Mr. Graham—20. A bill for the benefit of Peter Dupeaw.

On motion of same—21. A bill for the benefit of all persons going to mill on horseback through turnpike gates.

On motion of Mr. Buford—22. A bill to change the time of the meeting of the General Assembly.

On motion of same—23. A bill to incorporate the town of Manchester, in Clay county.

On motion of Mr. Holbrook—24. A bill for the benefit of Thomas Parker, late Sheriff of Lewis county, and for other purposes.

On motion of same—25. A bill for the benefit of Thompson N. Stratton.

On motion of same—26. A bill for the benefit of the citizens of Lawrence county, and for other purposes.

On motion of Mr. W. F. Bullock—27. A bill to incorporate the Physiological Temperance Society of the Medical Institute of Louisville.

On motion of Mr. Morgan—28. A bill to amend the laws in civil proceedings.

On motion of Mr. Barbour—29. A bill to impose penalties upon Clerks and others, for removing public law books from Clerks' offices, and for other purposes.

On motion of Mr. Weir—30. A bill to change the name of Rebecca Ann Smith to that of Rebecca Ann Reed, and for other purposes.

On motion of same—31. A bill for the benefit of the Sheriff of Muhlenburg county.

On motion of Mr. Cox—32. A bill to prohibit Clerks of the County Courts from practicing law in the counties in which they reside.

On motion of Mr. Swope—33. A bill authorizing the County Courts to establish and open roads to and from the locks and dams on the rivers in this Commonwealth.

On motion of same—34. A bill allowing an additional Constable to the county of Pendleton.

On motion of Mr. E. I. Bullock—35. A bill to require additional bond and security from Jailors.

On motion of Mr. Wakefield—36. A bill for the benefit of John McDonald.

On motion of Mr. Coombs—37. A bill the better to regulate and define the powers of the Chairman and Trustees of the town of Bowlinggreen.

On motion of Mr. Kinkead—38. A bill for the benefit of Benjamin P. Gray.

On motion of Mr. Brawner—39. A bill to alter and amend the law ordering the county line between Knox and Whitley to be surveyed, and for other purposes.

Ordered, That the committee on Internal Improvement prepare and bring in the 1st, 21st and 33d; Messrs. Forman, Botts and W. C. Marshall the 2d; the committee for Courts of Justice the 4th, 5th, 6th, 7th, 8th, 10th, 13th, 16th, 23d, 28th, 29th, 32d, 35th and 37th; the committee on Ways and Means the 3d, 20th, 24th, 25th, 26th, 31st and 38th; the committee on Propositions and Grievances the 9th and 12th: Messrs. Lewis, Skiles and Harrison the 11th; the committee on Military Affairs the 14th and 15th; Messrs. Nuttall, J. S. Brown and Sanders the 17th; Messrs. Hays, McKee and J. Kennedy the 18th; Messrs. Hays, D. White and Kirtley the 19th; Messrs. Buford, Kinkead, Vance, W. C. Marshall and W. F. Bullock the 22d; the committee on Education the 27th and 30th; Messrs. Swope, W. N. Marshall and Barnett the 34th; the committee on Claims the 36th; and Messrs. Brawner, Buford, Vance and Kirtley the 39th.

Mr. Fletcher moved the following resolution, viz:

Resolved, That the committee on Banks be instructed to report a bill to this House fixing a day for the resumption of specie payments by the Banks of this Commonwealth; which time so fixed shall not depend upon the happening of any contingency whatever.

Ordered, that the further consideration of said resolution be postponed until Thursday next.

Mr. B. Smith moved the following resolution, viz:

Resolved, That the committee on Military Affairs be instructed to report unfavorable on all petitions to them referred in relation to the return of public arms, which cases are provided for by the general law passed at the present session on that subject.

Which being twice read was adopted.

Mr. Swope moved the following resolution, viz:

Resolved, That the committee for Courts of Justice be instructed to enquire into the propriety of making the offices of Circuit and County Court Clerk, and Trustee of the jury fund, incompatible; and that they report by bill or otherwise.

Which being twice read was adopted.

Mr. McKee from the select committee appointed to prepare and bring in the same, reported a bill to reduce the pay of the members of the General Assembly—which was read the first time.

Mr. Vance then moved to lay said bill on the table for the present.

And the question being taken thereon it was decided in the negative.

The yeas and nays being required thereon by Messrs. McKee and Graham, were as follows:

Those who voted in the affirmative, were—

Mr. Speaker,	Flournoy,	Noe,
Messrs. Barnett,	Forman,	Nuttall,
Biggs,	Gaines,	Sanders,
Botts,	Garnett,	Skiles,
Bramlette,	Hays,	Smith, B.
Brawner,	Jefferson,	Smither,
Brown, J. S.	Johnson, R. M.	Swope,
Bullock, W. F.	Kennedy, J.	Taylor,
Carlisle,	Kinkead,	Thomasson,
Carpenter,	Kirtley,	Triplett,
Chambers,	Lewis,	Vance,
Chism,	Lykins,	Vawter,
Conklin,	Marshall, W. C.	Wakefield,
Dixon,	Martin,	Welch—43.
Fible,		

Those who voted in the negative, were—

Messrs. Barbour,	Gilliam,	Rouse,
Bowman,	Graham,	Rumsey,
Brown, T. D.	Harrison,	Smith, J. Speed
Buford,	Holbrook,	Stone,
Bullock, E. I.	Innes,	Thompson,
Busby,	Ireland,	Todd,
Chowning,	Johnson, D. B.	Wand,
Chrisman, M. T.	Karrick,	Weir,
Clarke,	Kennedy, W.	White, D.
Coombs,	Marshall, W. N.	White, J.
Conway,	McCann,	Wickliffe, R.
Cox,	McKee,	Wickliffe, R. L.
Cummins,	Morgan,	Wortham,
Fletcher,	Morin,	Young—44.
Gholson,	Munday,	

Ordered, That said bill be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Ordered That said bill be made the special order of the day for Wednesday next.

Mr. Conway, from the select committee appointed to prepare and bring in the same, reported a bill to amend an act, entitled, an act to amend the law prohibiting the importation of slaves into this State; also, an act, supplemental to said act, approved February 18, 1841—which was read the first time, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter it shall and may be lawful for any person or persons, being *bona fide* citizens of this State, to import into this State any slave or slaves, whether the ownership of said slave or slaves be derived by purchase, will, descent, distribution or gift: *Provided, however*, When the title to any such slave or slaves is derived by purchase and imported, as aforesaid, the person or persons, so importing, shall, within sixty days after said importation, file in the Clerk's office of the County Court in which he, she or they may reside, an affidavit that said slave or slaves were not imported for the purpose of speculation or merchandize, but for the use of the said owner or importer.

That any emigrant or emigrants, coming to this State, shall have the right to bring with them such person or persons as are deemed slaves by the laws of any of the United States, so long as any of the same age or description are deemed slaves by the laws of this State.

That so much of an act, entitled, an act to amend the law prohibiting the importation of slaves into this State, approved February 2, 1833, and so much of an act, supplemental to said act, approved February 18, 1841, as conflicts with the provisions of this act, be and the same is hereby repealed.

Mr. Vance then moved to lay said bill on the table for the present.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. R. Wickliffe and Conway, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Biggs,	Flournoy,	Munday,
Botts,	Forman,	Rouse,
Brawner,	Garnett,	Rumsey,
Brown, J. S.	Gholson,	Skiles,
Buford,	Graham,	Smith, J. Speed
Bullock, E. I.	Hays,	Stone,
Bullock, W. F.	Holbrook,	Taylor,
Carlisle,	Innes,	Thomasson,
Chambers,	Jefferson,	Thompson,
Chowning,	Karrick,	Todd,
Conklin,	Kennedy, J.	Vance,
Cox,	Kinkead,	Vawter,
Cummins,	Marshall, W. C.	Wakefield,
Dixon,	McKee,	Welch—44.
Fible,	Morgan,	

Those who voted in the negative, were—

Messrs. Barbour,	Harrison,	Sanders,
Barnett,	Ireland,	Smith, B.
Bowman,	Johnson, D. B.	Smither,
Bramlette,	Johnson, R. M.	Swope,
Brown, T. D.	Kennedy, W.	Triplett,
Busby,	Kirtley,	Wand,
Carpenter,	Lewis,	Weir,
Chism,	Lykins,	White, D.
Clarke,	Marshall, W. N.	White, J.
Coombs,	McCann,	Wickliffe, R.
Conway,	Martin,	Wickliffe, R. L.
Fletcher,	Morin,	Wortham,
Gaines,	Noe,	Young—41.
Gilliam,	Nuttall,	

The following bills were reported by the several committees appointed to to prepare and bring in the same, viz:

By Mr. Gaines—1. A bill to repeal an act, entitled, an act to reduce the number of Justices of the Peace in Anderson county, and for other purposes.

By same—2. A bill to change the terms of certain Circuit Courts in the 17th judicial district.

By Mr. Smither—3. A bill to incorporate the Trustees of the Hardinsburg Methodist Episcopal Church and Masonic Hall.

By Mr. Harrison—4. A bill to amend the several acts incorporating the Henderson, Madisonville and Hopkinsville turnpike road company.

By same—5. A bill to repeal an act to increase the powers of the Christian County Court, and for other purposes.

By Mr. Bramlette—6. A bill to enlarge the Constable's district in the town of Monticello.

By same—7. A bill for the benefit of the Constable in the district of Sovreign Popplewell, a Justice of the Peace in Wayne county, and for other purposes.

By same—8. A bill for the benefit of Lucy B. Green.

By Mr. Botts—9. A bill for the benefit of the Clerk of the County Court of Fleming, and for other purposes.

By Mr. W. N. Marshall—10. A bill to amend an act, entitled, an act appropriating six thousand acres of land west of the Tennessee river for the erection of a bridge across Pitman's creek, in Green county.

By Mr. T. D. Brown—11. A bill to reduce the size of the State bonds, and to amend an act, entitled, an act to provide for the payment of the public contractors and to preserve the faith of the State, approved February 21, 1840.

By the committee on Public Printing—12. A bill to regulate the prices of the Public Printing.

By Mr. Carlisle—13. A bill to incorporate the town of Independence, in the county of Kenton.

By Mr. Gilliam—14. A bill to incorporate the town of Smithland, and for other purposes.

By same—15. A bill to endow an Academy in the town of Smithland, and for other purposes.

By Mr. Holbrook—16. A bill to change the place of voting in the Laurel Fork election precinct in the county of Lewis, and for other purposes.

By Mr. Morgan—17. A bill for the benefit of the Sheriffs of Meade and Hart counties.

By Mr. Lykins—18. A bill to extend the Constable's district in the town of Breathitt.

By Mr. J. S. Brown—19. A bill for the benefit of Nancy Ford.

By Mr. E. I. Bullock—20. A bill to provide for the delivery of Morehead and Brown's digest to certain Justices of the Peace, and for other purposes.

By same—21. A bill to establish a State road from Liberty, through Russell county, to Albany, in Clinton county.

By same—22. A bill to amend the execution laws of this Commonwealth.

By Mr. Clarke—23. A bill to repeal an act, entitled, an act to reduce into one the several acts respecting slaves, free negroes, mulattoes and Indians, approved February 8, 1798.

By Mr. D. B. Johnson—24. A bill to change the time of holding the Trimble County Court.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with—the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 12th, 13th, 16th, 18th, 19th, 21st and 24th, were severally ordered to be engrossed and read a third time; the 11th was referred to the committee on Internal Improvement; the 14th, 17th, 20th, 22d and 23d (the 20th being amended) to the committee for Courts of Justice; and the 15th to the committee on Education.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 12th, 13th, 16th, 18th, 19th, 21st and 24th bills having been dispensed with and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Then the House adjourned.

MONDAY, FEBRUARY 7, 1842.

A messsage was received from the Senate announcing their disagreement to a bill from this House, entitled, an act more effectually to prevent slaves from carrying arms.

That they had passed a bill from this House, entitled, an act to establish an election precinct in Fleming county, and for other purposes.

That they had passed bills of the following titles, viz:

An act to amend the law concerning the revivor of suits.

An act to amend the law which provides for condemning lands for public purposes.

An act to incorporate the Greenup Iron Manufacturing Company under the general law.

An act to give an additional term to the Hardin Circuit Court.

An act for the benefit of the Georgetown Light Artillery.

That they had received official information from the Governor that he had approved and signed enrolled bills which originated in the Senate, of the following titles, viz:

An act to establish a Library Association at Louisville.

An act for the benefit of the widow and infant children of Benjamin Hart, deceased.

An act allowing additional Justices of the Peace and Constables to certain counties, and for other purposes.

An act allowing William Dalton a change of venue.

Approved February 5, 1842.

1. Mr. Browder presented the petition of Douglass Butler, Trustee for Mrs. Fryat, praying the passage of a law authorizing him to sell a certain slave, held by him as Trustee aforesaid.

2. Mr. Fible presented the petition of John Speers, guardian of the infant children of March Hinkle, dec'd, praying the passage of a law authorizing him to sell a tract of land belonging to his wards.

3. Mr. B. Smith presented the petition of sundry citizens of Pulaski county, praying a modification in the laws in relation to licensing retailers of spirituous liquors.

Which petitions were severally received, the reading thereof dispensed with, and referred, (except the 3d, which was laid on the table)—the 1st to the committee for Courts of Justice; and the 2d to the committee on Propositions and Grievances.

Mr. J. S. Brown moved the following resolution, viz:

Resolved, That the use of this Hall be tendered to Mr. A. Kendrick to deliver a religious discourse this evening at 7 o'clock.

Which being twice read was adopted.

Mr. W. F. Bullock, from the joint committee appointed to examine the Lunatic Asylum and Transylvania University, made the following report:

[*For the Report—see Legislative Documents.*]

Ordered, That the Public Printer forthwith print 500 copies of said report for the use of the members of this House.

Mr. W. F. Bullock, from the same committee, reported a bill to amend the laws in relation to the Kentucky Lunatic Asylum—which was read the first time and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Ordered, That said bill be postponed to and made the special order of the day for Friday next.

Mr. Nuttall read and laid on the table the following preamble and resolution, viz:

Whereas, The people of the Commonwealth of Kentucky are laboring under the most distressing and alarming embarrassments: *And whereas*, Before the last August election the pressure in the monetary affairs of the State was not so sensibly felt by the people as at the present crisis, which not being foreseen by the people, their present representatives were not elected in view of it: *And whereas*, The General Assembly of the Commonwealth aforesaid are in great doubt and perplexity with regard to what can or ought to be done, or what the people whom they represent wish them to do to aid and relieve them in this great emergency: and in order that we may return home to our respective constituents, that we may learn of them their opinions and wishes upon this highly important subject, and to afford us ample time to do so—It is

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will take a recess, from Saturday the 12th instant, until the first Monday in May next.

Mr. Nuttall then moved to dispense with the rule requiring joint resolutions to lie one day on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Nuttall and Conway, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Dixon,	Nuttall,
Messrs. Barbour,	Fible,	Owsley,
Barnett,	Fletcher,	Paxton,
Biggs,	Flournoy,	Petree,

Botts,
Bowman,
Bramlette,
Brien,
Browder,
Brown, T. D.
Buford,
Bullock, E. I.
Busby,
Carpenter,
Chambers,
Chism,
Chowning,
Chrisman, M. T.
Clarke,
Conklin,
Conway,
Cornish,
Cox,
Cummins,
Forman,
Garnett,
Gilliam,
Hays,
Holbrook,
Ireland,
Jefferson,
Karrick,
Kennedy, W.
Kinkead,
Kirtley,
Lewis,
Lykins,
Marshall, W. C.
Marshall, W. N.
Martin,
Morgan,
Morin,
Noe,
Rouse,
Sanders,
Skiles,
Smither,
Stone,
Swope,
Thomasson,
Thompson,
Triplett,
Todd,
Vance,
Vawter,
Wakefield,
Wand,
Welch,
Wickliffe, R.
Wickliffe, R. L.
Wortham,
Young—70.

Those who voted in the negative, were—

Messrs. Brawner,
Bullock, W. F.
Carlisle,
Coombs,
Gaines,
Graham,
Harrison,
Johnson, D. B.
Kennedy, J.
McKee,
Smith, B.
Smith, J. Speed
Taylor,
Weir,
White, J.—15.

The question was then taken on the adoption of said preamble and resolution, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Nuttall and J. S. Brown, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Biggs,
Brown, J. S.
Conway,
Nuttall,
Rouse—5.

Those who voted in the negative, were—

Mr. Speaker,
Messrs. Barbour,
Barnett,
Botts,
Bowman,
Bramlette,
Brawner,
Brien,
Browder,
Brown, T. D.
Buford,
Flournoy,
Forman,
Gaines,
Garnett,
Gilliam,
Graham,
Harrison,
Hays,
Holbrook,
Innes,
Ireland,
Noe,
Owsley,
Paxton,
Petree,
Sanders,
Skiles,
Smith, B.
Smith, J. Speed
Smither,
Stone,
Swope,

Bullock, E. I.	Jefferson,	Taylor,
Bullock, W. F.	Johnson, D. B.	Thomasson,
Busby,	Johnson, R. M.	Thompson,
Carlisle,	Karrick,	Triplett,
Carpenter,	Kennedy, J.	Todd,
Chambers,	Kennedy, W.	Vance,
Chism,	Kinkead,	Vawter,
Chowning,	Kirtley,	Wakefield,
Chrisman, M. T.	Lewis,	Wand,
Clarke,	Lykins,	Weir,
Coombs,	Marshall, W. C.	Welch,
Conklin,	Marshall, W. N.	White, D.
Cornish,	McKee,	White, J.
Cox,	Martin,	Wickliffe, R.
Cummins,	Morgan,	Wickliffe, R. L.
Dixon,	Morin,	Wortham,
Fible,	Munday,	Young—85.
Fletcher,		

On motion of Mr. Todd,

Ordered, That the bill concerning the Lexington and Ohio Railroad be postponed until Thursday next, and referred to a committee of the whole House for that day.

The House then resolved itself into a committee of the whole on the State of the Commonwealth—Mr. Todd in the chair, on the bill to regulate the Court of Appeals; and after some time spent therein, the Speaker resumed the chair, when Mr. Todd reported that the committee had, according to order, had under consideration the bill aforesaid, and had adopted sundry amendments thereto—which he handed in at the Clerk's table.

Mr. Swope at half past 2 o'clock, P. M., moved that the House adjourn.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Thompson and Graham, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Cox,	Morin,
Messrs. Barnett,	Cummins,	Munday,
Biggs,	Dixon,	Noe,
Botts,	Fible,	Paxton,
Bowman,	Fletcher,	Skiles,
Bramlette,	Flournoy,	Smith, B.
Brawner,	Forman,	Smith, J. Speed
Brien,	Gaines,	Smither,
Browder,	Garnett,	Stone,
Brown, J. S.	Gilliam,	Swope,
Buford,	Harrison,	Taylor,
Bullock, E. I.	Hays,	Thomasson,
Bullock, W. F.	Holbrook,	Triplett,

Busby,	Innes,	Todd,
Carlisle,	Ireland,	Vawter,
Carpenter,	Jefferson,	Wakefield,
Chambers,	Johnson, R. M.	Wand,
Chism,	Kennedy, W.	Weir,
Chrisman, M. T.	Lewis,	Welch,
Clarke,	Lykins,	White, D.
Coombs,	Marshall, W. C.	White, J.
Conklin,	Marshall, W. N.	Wortham,
Conway,	Martin,	Young—71.
Cornish,	Morgan,	

Those who voted in the negative, were—

Messrs. Graham,	McKee,	Thompson,
Karrick,	Owsley,	Vance,
Kennedy, J.	Petree,	Wickliffe, R.
Kinkead,	Rouse,	Wickliffe, R. L.-14
Kirtley,	Sanders,	

TUESDAY, FEBRUARY 8, 1842.

A message was received from the Senate announcing their concurrence in the amendment proposed by this House to a bill from that, entitled, an act concerning the 17th judicial district.

That they had passed bills from this House of the following titles, viz:

An act to establish the county of Marshall.

An act to enlarge the Constable's district in the town of Monticello.

An act for the benefit of the Constable in the district of Sovreign Popplewell, a Justice of the Peace of Wayne county, and for other purposes.

That they had passed a bill, entitled, an act to establish two additional election precincts in the county of Carter.

1. Mr. Botts presented the petition of John and Jacob M'Glosson, praying that provision be made for paying to them the amount due for building a bridge on the Owingsville and Big Sandy turnpike road.

2. Mr. Fible presented the petition of William M. Webb and Nathaniel Mothershead, praying a change in the dividing line between Oldham and Trimble counties.

3. Mr. Conway, presented the petition of sundry citizens of Hardin county, praying the establishment of a new county out of part thereof.

4. Mr. T. D. Brown presented the remonstrance of sundry citizens of Hardin county, against the establishment of a new county out of part thereof.

5. Mr. R. M. Johnson presented the petition of George W. Tarlton, administrator of the estate and guardian of the children of Wm. Guyton, dec'd, praying the passage of a law authorizing him to sell a slave belonging to the estate of said deceased.

Which petitions and remonstrance were severally received, the reading thereof dispensed with, and referred—the 1st to the committee on Internal Improvement; the 2d, 3d and 4th to the committee on Propositions and Grievances; and the 5th to the committee for Courts of Justice.

The Speaker laid before the House a report from the Board of Internal Improvement, which is as follows, viz:

Office Board of Internal Improvement,
Frankfort, *February* 7, 1842.

To the Hon. C. S. Morehead,
Speaker of the House of Representatives.

Sir:

In pursuance of the provisions of an act entitled, "an act to provide the mode of compensating owners of mills injured by slack water navigation," approved February 21st, 1840, I have the honor to lay before the Legislature, the accompanying papers containing the damages assessed by Commissioners appointed for that purpose, to the mills of Messrs. S. & S. F. Vaught, of Muhlenburg county, and Wm. E. Dixon, of Butler county.

With considerations of high respect,
THOMAS METCALFE, *President B. I. I.*

Engineer's Office,
Frankfort, *Feb.* 4, 1842.

Hon. Thomas Metcalfe,
President of the Board I. I. of Kentucky.

Sir:

I have the honor to transmit to the Board of Internal Improvement, the report of two of the Commissioners appointed to assess the damages done, by the construction of the slack water navigation upon Green river, to the mill of S. & S. F. Vaught, of the county of Muhlenburg, and the mill of William Dixon, of the county of Butler, together with a copy of the letter appointing said Commissioners.

I have the honor to be, very respectfully,
Your obedient servant,
SYLVESTER WELCH,
Chief Engineer of Kentucky.

OHIO COUNTY, *January* 28, 1842.

TO SYLVESTER WELCH, ESQ.,
Chief Engineer of Kentucky.

SIR:

The following is our assessment of damages done to Vaughts' mill, on Pond creek, in Muhlenburgh county, founded upon an examination and memorandums taken Dec. 7th, 1841, agreeably to your instructions, dated Sept. 21st, 1841.

Memorandum, Dec. 7.—Mr. Simon Vaught says: "That the mills would probably run upon an average, before the pool of dam No. 2, in Green river was raised, from eight to nine months in a year, and the loss by the raising of said pool, will be one third of the time."

He says: "A rise in Green river of 10 feet will stop the saw mill but not the grist mill. When there is a supply of water in Pond creek, the saw mill cuts about 1500 feet on inch stuff in 15 hours—lumber worth $10 per thousand."

The saw mill has one saw; the grist mill two run of stones.

The rises in Green river now take place when there is no rise in Pond creek, and when the mill dam is empty, this causes a back current over the dam which was not guarded against in the construction; this may be remedied by some expense. There has been two floods this season of this kind which have done considerable damage.

The head and fall is nine feet eight inches, when there is no back water.

There was a rise in Green river at the date of the examination, and was ascertained from marks at Judge McLean's coal bank, to be 10 feet. This rise gave back water upon the wheel of 3 feet 4 inches.

Mr. Cummins says: "I have known this mill for 21 or 22 years, and have been occupied more or less in tending the mills for the last 5 years. The last season I think the grist mill was not stopped for the want of water, but was stopped by back water; the saw mill was stopped for the want of water from four to six weeks; they were both stopped by high water four or five times, and six or eight days at a time. I think the grist mill would run the worst season I ever saw, (before the slack water was raised,) about six months, and the saw mill five and a half months."

Major Wilson who has rented the mills for the last two seasons, says: "That the saw mill run during the year 1840, (and since the pool of dam No. 2, was raised) from 100 to 120 days; but the grist mill was not stopped at all, only from high water, which in the aggregate, amount to three and a half months. This year, from January 15th to this date, the saw mill has run not more than 60 days; the stoppage by high water, was about two months and twenty days. The grist mill has run during this time only four months and three quarters, and was stopped by high water about 50 days. The other stoppages were caused, principally, by a want of water in Pond creek."

Major Wilson and Mr. Cummins agree that the regular custom of the mill would be about 40 bushels of grain per day, about 25 of corn and 15 of wheat in ordinary seasons.

By allowing $\frac{1}{8}$ toll with the prices fixed by them, would give	
$3\frac{1}{8}$ bushels of meal, at 50 cents, - - - -	$1 56
$1\frac{7}{8}$ or 65 lbs. flour at $2\frac{3}{4}$ cents, - - - -	1 78
Amount, - - - - - - - -	$3 34
Deduct for miller and ordinary repairs, $1 per day, - -	1 00
Total income of grist mill per day, - - - -	$2 34
The saw mill they think, will saw 1,000 feet inch stuff in 12 hours, and worth $1 12½ per hundred, - - -	$11 25
Estimate for logs and hands, - - - - -	4 25
Total income of saw mill, per day, - - - -	$7 00

The extraordinary repairs, Major Wilson thinks, in the last two seasons, have cost about $100, and was mostly caused by a back current over the dam.

Taking the facts as above stated, and making the proper allowance for the season, we have come to the conclusion that the saw mill will be stopped, in addition to the former stoppages, about 30 days, and the grist mill 10 days.

Assuming this to be correct, and applying the estimate as above, the loss on the saw mill will be, for 30 days at $7 per day, - -	$210 00
Grist mill, do. 10 days at $2 34 cents per day, - -	23 40
Making an annual loss of - - - - -	$233 40

From this should be deducted the proportion of extraordinary repairs which must occur more or less every season. This sum might probably be estimated at $50, which, deducted from the foregoing, will leave the total yearly loss caused by the slack water of dam No. 2, to be this amount, $183 40. This would be the interest on a capital of $1,834, at 10 per cent. which may be considered as a fair estimate for the value of money—this sum, $1,834, is the damage sustained.

The advantages to Messrs. Vaughts' mills, land and coal bank, caused by the public works, are no doubt considerable. The slack water is thrown within a short distance of the mills and coal bank, and the undersigned could not estimate those advantages at less than $1,200, which, in equity, should be deducted from the damages.

All of which, is respectfully submitted,

ALONZO LIVERMORE, *Engineer.*
WILLIAM FIELD, *Commissioner.*

This day personally appeared before me, a Justice of the Peace in and for Ohio county, Alonzo Livermore and William Field, and made oath that the above report set forth the true amount of damages sustained by the owner of persons there set forth.

Given under my hand this 28th day of January, 1842.

JAMES NEWTON, *J. P.*

OHIO COUNTY, *January* 28, 1842.

TO SYLVESTER WELCH, ESQ.
Chief Engineer of Kentucky.

SIR:

The following is our assessment of damages done to William E. Dixon's mills, in Butler county, founded upon an examination and memorandums, taken December 7th, 1841, agreeably to your instructions, dated September 21st, 1841.

Memorandum.—The head and fall of Mr. Dixon's dam was about 9 feet. The grist mill had one run of stones; the saw mill one saw; they were in operation until a short time before the slack water was raised; the mills were old and were pulled down with a view to re-build. The dam had been re-built.

The water power of Muddy creek, Mr. Dixon thinks, would run a saw six months, and grist mill nine months, upon an average.

The whole establishment would probably cost $800 to re-build—the mill site and 400 acres of land cost $1,400, just before the dam in Green river was raised. Mr. Dixon had sold it previously for this sum, and took it back for the same price. The land he considers worth $600, and would sell for that sum. The back water at the lowest stage of the pool of dam No. 3, throws a depth of 4½ feet upon the original fall of Mr. Dixon's dam. The situation and works are therefore entirely destroyed.

The best coal bank Mr. Dixon has, is at this place, and is entirely submerged by slack water. The vein of coal is 4⅝ feet thick, and was open near the mills. Since the State dam was raised, Mr. Dixon sunk a shaft to this coal, but the water rose in the excavation, and he abandoned the work; the expense was $80.

Mr. Dixon has several acres of land overflown, but is willing to offset this and the coal bank for the advantages of the navigation, if the $80 expended in digging for the coal be paid him.

Mr. Dixon run the mills three years, and is fully of the opinion that they paid him $1,400 in the three years, including all repairs. He owns about 2,000 acres of land, 1,000 of which is on Muddy creek, and the balance on Green river; the slack water will materially benefit this land. The coal bank would not be estimated as very valuable without the slack water.

Taking the foregoing as the standard, we estimate the damages done to Mr. Dixon's mills, at $1,300—the advantages to his land and other property, after deducting the damages to overflown land, &c. at $500.

All of which, is respectfully submitted,

ALONZO LIVERMORE, *Engineer.*
WILLIAM FIELD, *Commissioner.*

This day personally appeared before me, a Justice of the Peace in and for Ohio county, Alonzo Livermore and William Field, and made oath, that the above report set forth the true amount of damages sustained by the owner of the persons there set forth.

Given under my hand, this 28th January, 1842.

JAMES NEWTON, *J. P.*

APPOINTMENT OF COMMISSIONERS.

Written application having been made to the Board of Internal Improvement of the State of Kentucky, by S. & S. F. Vaught, of the county of Muhlenburg, of said State of Kentucky, and by William E. Dixon, of the county of Butler, for damages done to their mills—the first situated upon Pond creek, in the county of Muhlenburg aforesaid, and the second upon Muddy creek, in the county of Butler. And the said applications having been referred to the undersigned, agreeably to an act of Assembly, entitled, an act to provide the mode of compensating owners of mills injured by slack water navigation, approved Feb. 21st, 1840, the undersigned hereby appoints Alonzo Livermore, civil engineer, Col. William Field and Major James Johnson, both of the county of Ohio, commissioners, to assess the damages done, or which will be done, to the mill of said S. & S. F. Vaught, and to the mill of the said William E. Dixon, by the construction of slack water navigation upon Green river, agreeably to the act of Assembly above referred to.

SYLVESTER WELCH, *Chief Engineer.*

Engineers' Office, Frankfort, *Sept.* 28, 1841.

Ordered, That said report be referred to the committee on Internal Improvement.

On motion of Mr. Flournoy,

Resolved, That during the residue of the session this House will meet at 9 o'clock, A. M.

Mr. Lykins read and laid on the table the following preamble and resolutions, viz:

Whereas, The people of the Commonwealth of Kentucky remember with gratitude and pride the great struggle of the fathers of the Revolution for the liberty we now enjoy, and justly boast of that great and glorious union which was sealed by the blood of patriots, and handed down to us in common with the whole people of the United States: *And whereas*, The people of this Commonwealth are desirous that that union should be preserved through all coming time—wherefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That the distinguished representative in Congress from Massachusetts, John Quincy Adams, late President of the United States, by the presentation of a petition of some persons, praying for a dissolution, merits the censure, indignation and contempt of the Congress of the nation, and the whole people of these States.

Resolved further, That a copy hereof be forwarded to each of our Representatives and Senators in Congress.

Mr. E. I. Bullock moved to lay said preamble and resolutions on the table for the present.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. R. Wickliffe, Jr., and D. B. Johnson, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Drake,	Owsley,
Messrs. Barbour,	Fible,	Petree,
Botts,	Fletcher,	Prewitt,
Bowman,	Flournoy,	Rouse,
Bramlette,	Forman,	Rumsey,
Brawner,	Gaines,	Sanders,
Brien,	Garnett,	Skiles,
Browder,	Graham,	Smith, B.
Buford,	Harrison,	Smither,
Bullock, E. I.	Hays,	Stone,
Bullock, W. F.	Holbrook,	Thomasson,
Busby,	Innes,	Thompson,
Carpenter,	Jefferson,	Triplett,
Chambers,	Karrick,	Todd,
Chism,	Kennedy, J.	Vance,
Chrisman, G. T.	Kinkead,	Vawter,
Chrisman, M. T.	Kirtley,	Wakefield,
Conklin,	McCann,	Weir,
Conway,	McKee,	Welch,
Cox,	Morgan,	White, D.
Cummins,	Morin,	Wickliffe, R.—65.
Dixon,	Munday,	

Those who voted in the negative, were—

Messrs. Barnett,	Johnson, D. B.	Paxton,
Brown, T. D.	Johnson, R. M.	Swope,
Carlisle,	Lewis,	Taylor,
Chowning,	Lykins,	Wand,
Clarke,	Marshall, W. N.	White, J.
Coombs,	Martin,	Wickliffe, R. L.
Cornish,	Noe,	Wortham—22.
Ireland,		

On motion of Mr. Clarke, leave was given to bring in a bill to change the time of holding the Allen and Simpson Circuit Court.

Ordered, That Messrs. Clarke, Wand and Carpenter prepare and bring in the same.

Mr. Conway moved a reconsideration of the vote refusing to read a third time, a bill from the Senate, entitled, an act for the benefit of Samuel Lawler.

And the question being taken thereon, it was decided in the affirmative.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Mr. Fletcher then moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the affirmative.

The main question was then put—Shall the bill pass? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. D. B. Johnson and E. I. Bullock, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barnett,	Cox,	Paxton,
Biggs,	Fible,	Petree,
Bowman,	Fletcher,	Prewitt,
Bramlette,	Flournoy,	Rouse,
Brawner,	Gilliam,	Rumsey,
Brien,	Harrison,	Sanders,
Browder,	Ireland,	Smith, B.
Brown, T. D.	Johnson, D. B.	Smither,
Buford,	Johnson, R. M.	Triplett,
Carlisle,	Karrick,	Vance,
Carpenter,	Kennedy, W.	Wand,
Chowning,	Lewis,	Weir,
Chrisman, M. T.	Marshall, W. N.	White, J.
Clarke,	McCann,	Wickliffe, R. L.
Coombs,	Martin,	Wortham,
Conway,	Noe,	Young—48.

Those who voted in the negative, were—

Mr. Speaker,	Hays,	Owsley,
Messrs. Botts,	Holbrook,	Skiles,
Bullock, E. I.	Innes,	Stone,
Bullock, W. F.	Jefferson,	Swope,
Chambers,	Kennedy, J.	Taylor,
Chrisman, G. T.	Kinkead,	Thomasson,
Conklin,	Kirtley,	Thompson,
Cummins,	Lykins,	Todd,
Dixon,	Marshall, W. C.	Vawter,
Drake,	McKee,	Wakefield,
Forman,	Morin,	Welch.
Graham,	Munday,	Wickliffe, R.—36.

Resolved, That the title thereof be as aforesaid.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Banks—1. A bill to restore the privileges of the Banks when they resume specie payments.

By the committee on Religion—2. A bill to incorporate the Trustees of the Henderson College.

By the committee on Propositions and Grievances—3. A bill for the benefit of the widow and heirs of George W. Hoy, deceased.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said

bills having been dispensed with, the 1st was made the special order of the day for Monday next; and the 2d and 3d were severally ordered to be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the 2d and 3d bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Public Printer forthwith print 150 copies of the first bill for the use of the members of the General Assembly.

The House again resumed the consideration of the bill concerning the Court of Appeals.

Mr. Swope moved a reconsideration of the vote ordering said bill to be engrossed and read a third time.

And the question being taken thereon, it was decided in the affirmative.

Mr. Swope then moved an amendment to said bill.

Mr. Munday then moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the negative.

And after some further discussion had thereon, the hour of 12 o'clock arrived, when the House proceeded to the orders of the day.

A message was received from the Senate, by Mr. M. Williams, announcing that the Senate was then ready to proceed to the election of public officers.

Mr. J. Speed Smith nominated Mr. James Davidson as a proper person to fill the office of Treasurer; and after interchanging nominations between the two Houses, this House proceeded to the election, and Mr. James Davidson received the unanimous vote of this House.

Messrs Vance, Vawter and Morin were appointed a committee on the part of this House, to meet a similar committee on the part of the Senate, to compare the joint vote, and report the result.

After a short time Mr. Vance reported that Mr. James Davidson had received the unanimous vote of both Houses.

Whereupon he was declared duly elected Treasurer of this Commonwealth for the ensuing year.

The House then proceeded to the election of Public Printer.

Mr. Vawter nominated Mr. Albert G. Hodges, and Mr. Brien nominated Mr. F. D. Pettit; and the vote being taken it stood thus:

Those who voted for Mr. Albert G. Hodges were—

Mr. Speaker,	Cox,	Morin,
Messrs. Barbour,	Cummins,	Owsley,
Biggs,	Dixon,	Petree,
Botts,	Fible,	Prewitt,
Bowman,	Forman,	Rumsey,
Bramlette,	Garnett,	Skiles,

Brawner,	Gilliam,	Smith, B.
Browder,	Graham,	Smith, J. Speed
Brown, T. D.	Harrison,	Smither,
Buford,	Hays,	Stone,
Bullock, E. I.	Holbrook,	Thomasson,
Bullock, W. F.	Innes,	Triplett,
Busby,	Jefferson,	Todd,
Carpenter,	Karrick,	Vance,
Chambers,	Kennedy, J.	Vawter,
Chism,	Kennedy, W.	Wakefield,
Chrisman, G. T.	Kinkead,	Wand,
Chrisman, M. T.	Kirtley,	Weir,
Coombs,	Marshall, W. C.	Welch,
Conklin,	McCann,	White, D.
Conway,	McKee,	Wickliffe, R.—63.

Those who voted for Mr. F. D. Pettit, were—

Messrs. Barnett,	Ireland,	Paxton,
Brien,	Johnson, D. B.	Rouse,
Carlisle,	Johnson, R. M.	Sanders,
Chowning,	Lewis,	Swope,
Clarke,	Lykins,	Taylor,
Cornish,	Marshall, W. N.	Thompson,
Drake,	Martin,	White, J.
Fletcher,	Morgan,	Wickliffe, R. L.
Flournoy,	Munday,	Wortham,
Gaines,	Noe,	Young—30.

The same committee were appointed on the part of this House, to meet the committee on the part of the Senate, to compare the joint vote, and report the result.

After a short time Mr. Vance reported that the vote stood thus:

For Albert G. Hodges, - - - - - - 88
For F. D. Pettit, - - - - - - - 39

Mr. Albert G. Hodges having received a majority of all the votes given, was declared duly elected Public Printer for the ensuing year.

The House then proceeded to the election of Librarian, when Mr. George A. Robertson received a unanimous vote.

The same committee were appointed to meet the committee on the part of the Senate, to compare the joint vote, and report the result.

After a short time Mr. Vance reported that Mr. George A. Robertson had received the unanimous vote of both Houses.

A message was received from the Senate announcing that they had adopted a resolution to postpone the election of a President and Directors of the Bank of the Commonwealth.

The said resolution was then taken up, twice read, and concurred in.

The House then took up for consideration the bill to regulate the Court

of Appeals, and the amendments proposed thereto by the committee of the whole House.

The first and second amendments were then twice read and concurred in.

And then the House adjourned.

WEDNESDAY, FEBRUARY 9, 1842.

A messsage was received from the Senate announcing their disagreement to a bill from this House, entitled, an act for the benefit of W. and A. Cooper.

That they had passed bills from this House of the following titles, viz:

An act for the benefit of John Hockersmith.

An act to authorize the Trustees of the town of Lancaster to sell certain alleys in said town, and for other purposes.

An act to amend the several acts incorporating the Henderson, Madisonville and Hopkinsville turnpike road company.

An act to repeal an act, entitled, an act to reduce the number of Justices of the Peace in Anderson county, and for other purposes.

An act for the benefit of the Clerk of the County Court of Fleming, and for other purposes.

An act to amend an act, entitled, an act appropriating six thousand acres of land west of the Tennessee river for the erection of a bridge across Pitman's creek, in Green county.

An act to extend the Constable's district including the town of Breathitt.

An act to establish a State road from Liberty, through Russell county, to Albany, in Clinton county.

An act to change the place of voting in the Laurel Fork election precinct in the county of Lewis, and for other purposes.

An act to repeal an act to increase the powers of the Christian County Court, and for other purposes.

With amendments to the two last named bills.

That they had passed bills of the following titles, viz:

An act to amend the revenue law.

An act to require persons failing to list their taxable property with the Commissioner, to list the same with the Clerk of the County Court.

1. Mr. Gaines presented the petition of James S. Pattie, Trustee for Susan

Whip and children, praying the passage of a law authorizing a sale of a negro man slave, held by him as Trustee aforesaid.

2. Mr. Paxton presented the petition of George Jeans and others, in his behalf, praying the passage of a law providing for his support, without requiring him to go to the poor house of Adair county.

3. Mr. Petree presented the petition of sundry citizens of Todd county, praying the passage of a law allowing an additional Constable to said county.

4. Mr. McKee presented the petition of Hayden J. McRoberts and E. Bailey, praying the passage of a law permitting them to emancipate a slave, without giving security that he shall not become a charge to the county where emancipated.

5. Mr. Hays presented the petition of Hiram Stephenson praying to be divorced from his wife, Nancy Stephenson.

6. Mr. Kirtley presented the petition of Joseph Thompson's admr's, praying the passage of a law authorizing a sale of the real estate of said dec'd.

Which petitions were severally received, the reading thereof dispensed with, and referred—the 1st to Messrs. Gaines, Kinkead and Vance; the 2d to Messrs. Paxton, E. I. Bullock and Barnett; the 3d to Messrs. Petree, Clarke and Browder; the 4th and 6th to the committee on Courts of Justice; and the 5th to the committee on Religion.

Mr. W. F. Bullock asked leave to withdraw the petition of John S. Allison, which was granted, and the petition was withdrawn.

The House again resumed the consideration of the bill concerning the Court of Appeals, and the amendment proposed thereto by Mr. Swope, as a substitute to said bill.

The question was then taken on the adoption of the amendment of Mr. Swope, and decided in the affirmative.

Ordered, That said bill, as amended, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported by the committee for Courts of Justice, who were appointed to prepare and bring in the same, viz:

1. A bill to alter and amend the law concerning usury.

2. A bill to reduce into one and digest and amend the acts and amendatory acts incorporating the city of Lexington.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with—the 1st was postponed to and made the

special order of the day for Tuesday the 15th instant; and the 2d was laid on the table for the present.

Ordered, That the Public Printer forthwith print 150 copies of the first bill for the use of the members of the General Assembly.

Mr. R. Wickliffe, Jr., from the same committee, reported a bill for the benefit of certain purchasers of real estate from the Lexington and Ohio Railroad Company—which was read the first time, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That wherever any real estate in the town of Midway, not necessary for the use of the road, has been sold by the Lexington and Ohio Railroad Company to *bona fide* purchasers, for a valuable consideraion, and without notice of the existing mortgage of the State, and shall have paid for the same, or shall pay whatever may be due of the purchase money to the State upon said road for the amount of the bonds of said company, guaranteed by the State, the right, title and interest of the State in and to such real estate, are hereby relinquished and confirmed to said purchasers: *Provided*, That the benefits of this act shall extend to those only who will make affidavit, before some Justice of the Peace of this Commonwealth, that they were *bona fide* purchasers of said real estate, for a valuable consideration, and without notice that the mortgage of the State included said real estate.

Ordered, That said bill be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Mr. Todd moved an amendment to said bill, which was concurred in.

Mr. Chambers then moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the affirmative.

The main question was then put—Shall the bill, as amended, be engrossed and read a third time? and it was decided in the negative; and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. W. C. Marshall and Chambers, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Conway,	Noe,
Messrs. Barbour,	Cornish,	Owsley,
Biggs,	Fible,	Skiles,
Botts,	Fletcher,	Smith, B.
Bowman,	Flournoy,	Swope,
Bramlette,	Forman,	Thomasson,
Bullock, E. I.	Johnson, R. M.	Todd,
Bullock, W. F.	Karrick,	Vance,
Busby,	Kinkead,	Vawter,
Carlisle,	McCann,	Wickliffe, R.
Chowning,	McKee,	Wickliffe, R. L.-35
Chrisman, G. T.	Morin,	

Those who voted in the negative, were—

Messrs. Barnett,	Harrison,	Rouse,
Brawner,	Hays,	Rumsey,
Brien,	Holbrook,	Sanders,
Browder,	Innes,	Smith, J. Speed
Carpenter,	Ireland,	Smither,
Chambers,	Jefferson,	Stone,
Chism,	Johnson, D. B.	Taylor,
Chrisman, M. T.	Kennedy, J.	Thompson,
Clarke,	Kennedy, W.	Triplett,
Conklin,	Kirtley,	Wakefield,
Cox,	Lykins,	Wand,
Craddock,	Marshall, W. C.	Weir,
Cummins,	Marshall, W. N.	Welch,
Dixon,	Morgan,	Whaley,
Drake,	Munday,	White, J.
Gaines,	Paxton,	Wortham,
Garnett,	Petree,	Young—53.
Graham,	Prewitt,	

Bills from the Senate of the following titles, viz:

1. An act for the benefit of Fontaine Withers and children.
2. An act for the benefit of the Georgetown Light Artillery.
3. An act for the benefit of Emily Jackson.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with—the 1st was referred to the committee for Courts of Justice; the 2d to the committee on Military Affairs; and the 3d to the committee on Religion.

On motion of Mr. Kinkead, leave was given to bring in a bill for the benefit of the Trustees of the Midway Church, and others.

Ordered, That the committee for Courts of Justice prepare and bring in the same.

On motion of Mr. E. I. Bullock,

The House then resolved itself into a committee of the whole on the State of the Commonwealth—Mr. Todd in the chair, on the bill to regulate the Court of Appeals, and the amendments proposed thereto by the committee of the whole; and after some time spent therein, the Speaker resumed the chair, when Mr. Todd reported that the committee had, according to order, had under consideration the bill and amendments aforesaid, and had instructed him to report the same to the House without amendment—which he handed in at the Clerk's table.

The said bill, as amended, reads as follows, viz:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act, the Judges of the

Court of Appeals, instead of holding semi-annual sessions of the Court of Appeals in the town of Frankfort, shall hold the sessions of the said Court in four different places in this Commonwealth.

SEC. 2. *Be it further enacted*, That the following counties, to-wit: Hickman, Graves, McCracken, Calloway, Livingston, Caldwell, Trigg, Christian, Hopkins, Union, Henderson, Daviess, Muhlenburg, Todd, Logan, Simpson, Warren, Butler, Ohio and Hancock, shall, and the same are hereby declared to be, and compose the first Appellate Judicial Circuit, and the location of the Appellate site, or place of holding the sessions of the Court of Appeals for that Circuit, shall be the town of Henderson, in the county of Henderson, and the Judges of the Court of Appeals, shall hold the first term of the session of the Court of Appeals, for that Circuit, in the town of Henderson, the 3d Monday in January, in the year 1843, and hold the terms of said Court, on the 3d Monday in January, in each succeeding year thereafter, and shall keep said Court open, each session, for thirty juridical days, if the business of said Court require it.

SEC. 3. *Be it further enacted*, That the following counties, to-wit: Allen, Barren, Edmonson, Hart, Green, Casey, Lincoln, Rockcastle, Laurel, Knox, Whitley, Wayne, Clinton, Pulaski, Russell, Cumberland, Adair and Monroe, shall, and they are hereby declared to be, and compose the second Appellate Judicial District, and the appellate site, or place of holding the sessions of the Court of Appeals, shall be the town of Jamestown, in the county of Russell, and the Judges of the Court of Appeals shall hold the sessions of said Court for the second Appellate Judicial District, on the first Monday in April next, and on the first Monday in April, in each succeeding year thereafter, and shall continue said session for thirty juridical days, if the business of the Court shall require it.

SEC. 4. *Be it further enacted*, That the following counties, to-wit: Campbell, Grant, Boone, Gallatin, Owen, Kenton, Carroll, Henry, Trimble, Oldham, Shelby, Franklin, Anderson, Mercer, Marion, Washington, Spencer, Jefferson, Bullitt, Nelson, Hardin, Meade, Breckinridge and Grayson, and the city of Louisville, shall, and they are declared to be, and compose the third Appellate Judicial District, and the Appellate site, or place at which the sessions of the Court of Appeals, for the third Appellate Judicial District, shall be holden, shall be the city of Louisville, and the Judges of the Court of Appeals shall hold the sessions of the said Court for that District, in the city of Louisville, on the first Monday in December next, and on the first Monday in December in each succeeding year thereafter, and shall continue the session at each term, for sixty juridical days, if the business of the Court require it.

SEC. 5. *Be it further enacted*, That the following counties, to-wit: Mason, Nicholas, Bourbon, Clarke, Madison, Woodford, Fayette, Garrard, Jessamine, Clay, Harlan, Perry, Pike, Floyd, Morgan, Montgomery, Bath, Breathitt, Fleming, Lewis, Carter, Greenup, Scott, Lawrence and Estill, shall, and they are hereby declared to be, and compose the fourth Appellate Judicial District, and the Appellate site, or place for holding the session of said Court of Appeals, for the fourth Appellate Judicial District, shall be *the town of Mountsterling, in the county of Montgomery*, and the Judges of the Court of Appeals shall hold the session at that place, on the first Monday in October next, and on the first Monday in October, in each succeeding year

thereafter, and shall continue the session of said Court, for thirty juridical days, if the business of the Court shall require it.

Sec. 6. *Be it further enacted*, That the Clerk of the Court of Appeals shall keep an office at each of the Appellate sites before mentioned, at one of which, he shall officiate in person, and shall appoint at least one deputy for each office, and he shall take care that the clerical duties in each office, are faithfully and skillfully performed, and for the due observance and performance of his clerical and official duties, the said Clerk shall take from each deputy, bond with good security, payable to the Commonwealth of Kentucky, in such sum as he may prescribe.

Sec. 7. *Be it further enacted*, That the cases remaining in the office of the Clerk of the Court of Appeals, and which are undetermined, shall be, by said Clerk, forthwith distributed and disposed of, in the following manner, to-wit: those which were originally commenced in any of the counties composing the first Appellate Judicial District, to the office at Henderson: those which originated in any of the counties composing the second Appellate Judicial district, to the office at Jamestown: those which originated in any of the counties composing the third Appellate Judicial District, to the office in the city of Louisville: and those which originated in any of the counties composing the fourth Appellate Judicial District, to the office in Mt. Sterling; and in all cases, where any steps or proceedings shall have been had or taken in any cause, the Clerk shall forward, with the papers, a complete and correct transcript thereof, from the records of his office, and shall be allowed therefor, a reasonable compensation by the Governor, who shall cause the Auditor to draw a warrant on the Treasury accordingly.

Sec. 8. *Be it further enacted*, That the Judges of the Court of Appeals, shall use and occupy the court houses of the respective counties where they hold their sessions, until otherwise provided for by law; and they shall be attended by the Sheriff and Jailor of the respective counties, during the session, if required, for which, the said Court may make such allowance as they may deem necessary, to be paid out of the public Treasury.

Sec. 9. *Be it further enacted*, That where an appeal is prayed for and granted, it shall be taken to that session of the Court, which is to be holden for the District, in which the county where the case was tried is situate, and all writs of error, whether with or without supersedeas, shall be sued out from, and be made returnable to the Court which is holden for the district, where said appeal is pending, or was determined.

Sec. 10. *Be it further enacted*, That where no counsel is engaged on either side, it shall be the duty of the Court to try the case when regularly reached on the docket. The Clerk of the Court of Appeals shall not make copies of any record of any case, unless requested in writing by one of the parties, or their attorney. The Clerk of the Court of Appeals may receive and record as heretofore, any deeds of conveyance, wills, or other writings, at the office in the city of Louisville, and shall transmit to, and keep in said office, all the record books of conveyance, and other recorded writings not judicial; and also, his book, or books of memorials and conveyances, and to, and from that place, shall receive and transmit instruments in the same way as he has heretofore from Frankfort.

Sec. 11. *Be it further enacted*, That if from sickness or other cause, the Judges shall fail to hold the regular session of the Court, at any of the sites hereinbefore mentioned, it shall, and may be lawful, for the Chief Justice of

said Court, to order a special term, to be holden for that District, in which such failure shall have happened; and it is made his duty, to publish the time and place of holding such special term, in at least two of the public newspapers printed in the city of Louisville, for at least one month before the time fixed for the commencement of said Court. And the Clerk, attorneys, and all officers and litigants, shall conform themselves thereto, and act accordingly; and all proceedings had at such special term, so as aforesaid ordered, shall be entirely valid; and should the press of business or the state of the docket require it, the Judges may appoint, and hold an additional term at any of the Appellate sites.

SEC. 12. *Be it further enacted*, That the entry books now in the possession and keeping of the Clerk of the Court of Appeals, containing the entries on the North side of the Kentucky river, shall, by said Clerk, be delivered over to the Register of the Land Office, to be kept by him in his office.

SEC. 13. *Be it further enacted*, That the Court of Appeals, as held at the several Appellate sites, ordained by this act, shall, in all respects, be regulated by the laws now in force.

SEC. 14. *Be it further enacted*, That each appeal shall be docketed by the Clerk of the Court of Appeals, or his deputy, and stand for trial at the next term of the Court, to be holden at that Appellate site to which it may belong, and every writ of error shall stand for trial at the first term after service of process; provided it be served, or an appearance entered ten days before the commencement of the term: *Provided*, That nothing in this act shall be so construed, as to prevent the Judges of said Court, when in session, from hearing and determining motions for a supersedeas, made in any case arising within the limits of this Commonwealth.

SEC. 15. *Be it further enacted*, That all laws now in force contravening any of the provisions of this act, are hereby repealed.

The first amendment proposed by the commitee of the whole, was to strike out in the 5th section the words printed in Italics, and insert in lieu thereof the following—"the town of Hazzard, in the county of Perry."

The second amendment proposed by the committee of the whole, was to add, after the word "Mason" in 5th section, the following—"Bracken, Harrison, Pendleton."

Mr. Munday then moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the affirmative.

The main question was then put—Shall the bill, as amended, be engrossed and read a third time? and it was decided in the negative; and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. McKee and Botts, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Botts,	Gaines,	Smith, B.
Bowman,	Harrison,	Smither,
Bullock, E. I.	Hays,	Thomasson,

Bullock, W. F.	Johnson, D. B.	Thompson,
Busby,	Lewis,	Wakefield,
Chambers,	Lykins,	Weir,
Chowning,	Marshall, W. C.	Whaley,
Chrisman, M. T.	Martin,	White, D.
Craddock,	Prewitt,	White, J.
Dixon,	Rumsey,	Wortham—31.
Fletcher,		

Those who voted in the negative, were—

Mr. Speaker,	Drake,	McKee,
Messrs. Barbour,	Fible,	Morin,
Barnett,	Flournoy,	Munday,
Biggs,	Forman,	Owsley,
Bramlette,	Garnett,	Paxton,
Brawner,	Gilliam,	Petree,
Brien,	Graham,	Sanders,
Browder,	Holbrook,	Smith, J. Speed
Brown, T. D.	Innes,	Stone,
Carlisle,	Ireland,	Taylor,
Carpenter,	Jefferson,	Triplett,
Chism,	Johnson, R. M.	Todd,
Chrisman, G. T.	Karrick,	Vance,
Clarke,	Kennedy, J.	Vawter,
Coombs,	Kennedy, W.	Wand,
Conklin,	Kinkead,	Welch,
Conway,	Kirtley,	Wickliffe, R.
Cornish,	Marshall, W. N.	Wickliffe, R. L.
Cox,	McCann,	Young—58.
Cummins,		

Then the House adjourned.

THURSDAY, FEBRUARY 10, 1842.

A message was received from the Senate announcing the passage of a bill from this House, entitled, an act to incorporate the Trustees of the Hardinsburg Methodist Episcopal Church and Masonic Hall, with an amendment.

That they had passed bills of the following titles, viz:

An act for the benefit of the Preachers' Aid Society of the Kentucky Conference.

An act for the benefit of Mary Hyatt and her children.

1. Mr. T. D. Brown presented the petition of Miles H. and Isaac C. Chinowith, praying the passage of a law authorizing the State to purchase their stock in the Louisville and Elizabethtown turnpike road company.

2. Mr. Fletcher presented the petition of William Mencer, praying to be divorced from his wife, Catharine Mencer.

3. Mr. Cummins presented the petition of Abner H. Anderson, praying the passage of a law allowing him to act as a pedlar of goods, &c. without paying for a license.

4. Mr. Carlisle presented the petition of sundry citizens of Kenton county, praying that an election precinct in said county be abolished, and that an additional Justice be allowed to said county.

Which petitions were severally received, the reading thereof dispensed with, and referred—the 1st to the committee on Internal Improvement; the 2d to the committee on Religion; the 3d to the committee on Ways and Means; and the 4th to the committee on Privileges and Elections.

The Speaker laid before the House the response from the Board of Internal Improvement to the resolutions of this House of the 17th January, which are as follows, viz:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,
February 10, 1842.

To the Hon. C. S. MOREHEAD,
Speaker of the House of Representatives.

SIR:

In obedience to the resolutions of the House of Representatives of the 17th ultimo, the Board of Internal Improvement forthwith opened a correspondence with the several local Boards for the purpose of obtaining the desired information. Having received responses to our enquiries from ten of the companies, we herewith transmit the same to the House.

The notes upon the backs of four of these letters, are intended to point to the contents, wherein it is shown that errors had been made in their former reports to this Board. All of which cannot be corrected without further information or explanation from the companies.

When additional returns are received, they will be communicated to the House of Representatives.

I have the honor to be, with respectful consideration,
THOMAS METCALFE, *P. B. I. I.*

FRANKFORT, KENTUCKY,
February 1, 1841.

Hon. THOMAS METCALFE,
President Board Internal Improvement:

By direction of John Emison, Esq., President of the Lexington and Covington Turnpike Road Company, I furnish the following statement, in

answer to the interrogatories contained in the last circular sent by the Board of Internal Improvement to the different companies.

1. The funds received by this company from the State, have been regularly applied to the discharge of the debts necessarily incurred during the progress of the work. The amount due by the company prior to 1st of January, 1840, has been paid, and the remainder of the funds have been applied as above stated.

2. No extension of the line of work has been made, nor have any new contracts since the year 1839, with the exception of the letting out of the bridges and toll houses upon the line of road now under contract, and also 210 rods of road passing through Georgetown. This short section was necessary in order to connect the work with the Georgetown and Lexington road; and at the letting in 1839, was postponed, solely, in consequence of difficulty in selecting a route through Georgetown.

3. This company has not at any time required contractors to take one third of the amount of debt due them, in stock. There has not been any contractor paid in that manner, and this company has not, in any instance, required contractors to take any portion of the debt due them, in stock. The contractor for the section through Georgetown, is the only contractor who has subscribed to the stock—he voluntarily took three shares previous to the time of the letting. It has not been required of any contractor to assume the payment of stock subscribed by individuals in order to obtain his pay.

4. The whole amount paid out by this company for locating the road, and for work done, and damages, and superintendence, is as before reported, $77,540 95. As before reported, the salary per annum of Engineer, is $1,500 00. The compensation of President, Directors and Treasurer, as before stated, is not yet regulated.

The work upon the 15 miles under contract is now completed, with the exception of some trimming of the summer road upon three of the sections; and the company has been receiving tolls since the 15th January. The tolls are regulated to conform to terms of charter. There are three toll gates—each gatekeeper is paid at the rate of fifteen dollars per month.

Six men are employed upon the road to rake it and move the blocks and keep the ditches open. Two of these men receive twenty dollars per month each—the others receive seventeen dollars per month each. It is considered essential that the present number of men should be employed during the present winter and spring months, in order to keep the road in good shape, until it shall have become smooth and compact; after which time fewer hands will suffice.

The amount due for work, including retained per centage and for location and damages and superintendence, &c. was, at the date of our last report to the Board of Internal Improvement, $42,200 00. Since that date the work has been completed, excepting some trimming upon three sections—so that in two or three weeks from this date the remaing $9,368 05 will become due—making the whole amount now necessary to meet demands, $51,568 05. The amount due from individuals, subscribers, county, &c., (not including the State subscription,) is, as before reported, $20,009 00, of which, there is available, the sum of $11,107 00.

There will, without doubt, be a vast increase of travelling and transportation upon this road as soon as the whole route to Covington shall be completed,

and in order to hasten the completion of the route, it is proposed to grade and M'Adamize the 6½ miles between Big Eagle and the main ridge, which will cost, as estimated, $6,300 00 per mile; and to grade the remaining 13½ miles which extend along the main ridge to Williamstown, needing scarcely a culvert upon the whole distance, and which can be graded for $1,200 00 per mile, dispensing with the M'Adamizing for the present, as the graded road would be dry during the greater part of the year.

The above statement and suggestions are respectfully submitted.

With much respect,

GEO. R. EICHBAUM,

Engineer Lexington and Covington Turnpike Road.

LOUISVILLE, *February* 2, 1842.

AUSTIN P. COX, ESQ.

SIR:—Your favour of the 24th ultimo came to hand in due time, and I now proceed to answer the interrogatories named therein, as accurately as possible.

I am very respectfully,

ROBERT N. MILLER, *Pre'st*

Louisville and Elizabethtown T. R. C.

To the first interrogatory, we answer, that nearly all the contracts which had been completed, previous to the first day of January, 1840, had been paid off; there were contracts that had been entered into previous to that date, however, that were in progress and not completed, which had not been fully paid. It was our object, in making payments, to make as near a *pro rata* distribution of the funds on hand as possible.

To the second interrogatory, we answer, that no contracts have been entered into since the first day of January, 1840, for the construction of road in Jefferson county; and so far as at present advised, we believe none in Hardin county.

To the third interrogatory, we reply, that we have not required any contractors in Jefferson county, and so far as we know, no one in Hardin county has been required to take stock for any portion of the amount due them.

To the fourth interrogatory, we answer, that no contractors in Jefferson county, whilst acting as such, has ever taken any stock; and as to Hardin, we are not advised.

To the fifth interrogatory, we state, that for the year 1835, President Bainbridge received $150, and for nine months of the year 1836, the sum of $225, being at the rate of $300 per annum. The present President, R. N. Miller, who has discharged that duty since the 1st day of January, 1837, has never received any compensation; and would be content with, and claims, $300 per annum. The Treasurer of Jefferson county has received $100 per annum.

There has been no Engineer in constant employment; Major Baker was employed a part of one year, at a salary of $2,000; Mr. Eastin for a time at $1,500, and afterwards, at the rate of $800; and Mr. Thornberry, for four months, at the rate of $800; and in the location of the road there were sev-

eral others employed. The whole amount paid to Engineers, from the Jefferson county Treasury, being about $3,445; a part of which, however, was paid for services rendered out of said county. No Directors in Jefferson county has ever been paid any thing for services; no claim for compensation has ever been made, and we presume never will be.

There is due to Mr. Eastin, for services as Engineer, $117 83; and to R. N. Miller, as President, from the 1st day of January, 1837, up to the 1st day of January, 1842, the sum of $1,500, being five years salary at $300 per annum; making in all due to officers, the sum of $1,617 83.

We find that in the report made in December last, that we were led into error as to aggregate amount of cost of road up to that time, and now correct it: the total amount being only $93,214 95, instead of $100,893 76, as stated; of which amount there is still due to contractors about $9,000.

We would further state that there are ten sections, making nearly ten miles, the grading of which is nearly completed; and the contracts for the stone work let out to contractors; and the stoning of which has not been commenced, as we found we were likely to fall short of funds. If that part of the road is to be used as a graded road only, the middle of the grade should be raised so as to carry the water off.

All of which is respectfully submitted.

ROBERT N. MILLER, *Pres't L. & E. T. R. C.*

To James R. Skiles,
Chairman of the Committee of Internal Improvement.

Sir:

The following is the report in relation to the turnpike road from Louisville via Bardstown, Glasgow, Scottville and Gallatin, to Nashville, Tennessee.

This road is owned by four different incorporated companies within the limits of Kentucky. The first ten miles beginning at Louisville, is exclusively owned by individuals, the State having no interest in it. This part of the road has been finished for some years.

The next twenty nine miles, ending at Bardstown, is completed, and belongs to the State and company jointly, each party owning one half. This is under the care of D. S. Howell, President of the Company. There is a daily line of stages running from Louisville to Bardstown.

The next 68.80 miles, ending at Glasgow, is graded, except 32 poles; the bridges are all completed, and about 49.56 miles of metal finished, 32.83 miles north of Green river. The completion of a little less than ¾ of a mile, which is unfinished, will give a continuous line of 26 miles from Bardstown. The remaining 7¾ miles are in detached parts. There are about 15¾ miles of finished road on the south of Green river, which is in a continuous line from Glasgow, except 2 miles which was not put under contract for metalling on account of the great quantity of gravel mixed with the soil. When the letting took place for metalling this portion of the road, it was thought that about 10 miles would make a substantial road for travel without metal, but the road having been graded nearly three years, and considerably travelled during that time, it proved necessary to metal 3½ miles out of the 10.

It is absolutely necessary that 61.80 miles should be metalled; from which, subtract 49½ miles already completed, and there remains 12.30 miles yet to metal, which will cost, including contingent expenses, about $48,000. Your attention is respectfully called to the connection of this road with the road from Louisville, via Elizabethtown, Munfordsville, Bowlinggreen, on to Nashville—the connecting link to begin at a point on this road 56 miles from Bardstown, called Bear Wallow, and intersect the other road at or near Prewitt's knob, a little more than 6 miles distant. This connection is very important to the companies owning both roads, and to the travelling community generally. The connection, if made, will pass along the line of the old Lexington road, via Harrodsburg, Lebanon, Greensburg and Bowlinggreen, to the Nashville turnpike.

There is a heavy annual travel from the counties west and south-west of Bowlinggreen, and from Nashville to the counties in the eastern and north-eastern sections of the State, a great portion of which passes on this road, especialy the light travel. During the business season of last fall, there was an average of 8 to 10 road wagons per day crossing Green river bridge, and sometimes as many as 25 wagons have crossed this bridge in one day, a large number of which passed through Bowlinggreen. It is the opinion of many men of judgment, that if this connection was made, nearly, if not all, the heavy travel which passes through Bowlinggreen, would pass over this connection, and cross Green river at the bridge on this road. This road is under the care of Ben. Doom, President of the Company. The State owns two thirds of the road.

The next 36 miles, ending at the State line, is very nearly graded, and the bridges are all finished so as to be used by horsemen. About one half this line will make a passable road for travel without metal. It will be necessary to metal all that part of the road which passes through the low lands, and in some places on the higher lands, making about 16 miles, estimated at $3,200 per mile—$51,200. This is under the care of Richard Garnett, President. The State owns two-thirds of this road. The road was finished from the State line to Nashville two years since, as was shown to the Legislature in '39 and '40. This road was made with broken stone and a great portion of it covered with a light coat of gravel which renders it very pleasant for travelling.

There has been a line of stages running from Glasgow to Nashville, upon it, during the past year.

There are 140½ miles of metal finished on this road from Louisville to Nashville, Tenn. viz: 39 miles to Bardstown, 49½ to Glasgow, 4 to the Tennessee State line, 48 to Nashville.

All which is respectfully submitted by the Presidents of the different sections of road.

D. S. HOWELL,
BEN. DOOM.

In obedience to a resolution of the House of Representatives, requiring the Board of Internal Improvement to furnish the House with answers to the several interrogatories propounded.

I, as President of the Bardstown and Green river Turnpike Road Company, submit the following answers, viz:

To question 1st. I have applied all moneys coming to my hands, to the payment of debts due the contractors, previous to January 1840, except the amount required to close up several bad places which were going to destruction, which has cost about $3,000. Those places spoken of, had been abandoned or delayed for the want of means to complete. I suggested those difficulties to the Board of Internal Improvement, who thought it would be advisable to complete, which has enabled me to put two gates within the region of those places.

To question 2d. There has been no contracts made or work let, except those spoken of in my answers to question first, since January, 1840.

To question 3d. The contractors, in no instance, has been required to take stock to get their money. The matter was suggested to them, and they had a meeting on the subject, and many of them determined that it would be their interest to take stock, and did so, and got their money, others refusing to take any. The amount taken I cannot report, not having the books before me, (being myself now in Frankfort.) No contractor has been required to assume the payment of stock subscribed by individuals. Some three to five contractors preferred assuming the stock of individuals, rather than subscribing for new stock. The amount thus assumed, amounts to some $3,000. Some of the contractors having arrangements with the original subscribers, they, the contractors, taking all risk of collection, and this amount is *bona fide* paid.

To question 4th. No contractor has been required to take one third stock on the road. When the contracts were originally let, they were required to take ten per cent. on the amount of contract, and no more. The amount paid to officers, I will refer you to my former reports; the amount now due I cannot answer; the amount let out on road, ———; the estimates of work ———.

The foregoing statements are correct in substance, as far as I know or believe.

All which is respectfully submitted,

BEN. DOOM, *President.*

January 27th, 1842.

Office M. & Mt. Sterling T. P. R. Co.
February 2d, 1842.

A. P. Cox, Esq. *Sec'y B. I. I.*

Dear Sir: Yours of the 25th last month was received on the 31st, enclosing four interrogatories by the House of Representatives, and herewith forward you answers to them in behalf of this Company.

1st. This Board have applied the funds received from the Sate since the 1st January, 1840, to the payment of debts due for work done previous to that time.

2d. They have entered into no new contract for constructing, since the 1st January, 1840, the last contract having been entered into, in June 1839.

3d. This Board have never required their contractors, or any of them, to take one third for any other part of the value of their work done on this road, in stock, to enable them to get their pay. At a letting of 15 or 20

miles of this road, in April 1837, three persons whose bids were accepted, took stock, two of them three shares each; and one who had taken two sections, took five shares; but these taking stock was no part of the condition upon which the letting was made. At this letting in April, 1837, a part of the division in Montgomery county was not put under contract, owing to their not having been stock sufficient taken in that county to enable the Board to do so. Some time thereafter, Samuel Hitchman, who had taken two sections, proposed to take the three remaining, at the estimate of the Engineer; and to enable the company to put it under contract, to subscribe 47 shares of stock in the road. His proposition was accepted, contracts entered into; Hitchman done work under his contracts, estimated at $13,335 80; received from the company $13,149 12; has abandoned his work, has paid no part of his stock, and is said to be insolvent.

The foregoing are the only instances in which contractors on this road have taken stock, and in those it was done voluntarily.

4th. In no instance have contractors on this road been required to take one third, or any other part of their contracts in stock. The names of contractors and amount paid them, are as follows:

B. Dougherty & James Nangle,	$9,358 61
Chassgreen & Riley,	12,021 91
Peter Steenley & Co.	11,442 54
M. Calonmont,	7,400 58
John Gabby,	10,147 62
Henry Tasthoff,	27,133 82
James McGuire,	10,859 47
John T. Ellison,	4,679 30
John Dean,	2,979 14
Michael Deets,	5,542 60
Edward Allender,	5,577 90
J. McCormack,	6,020 97
J. McKain,	10,476 08
Samuel Hitchman,	13,149 12
Joseph Forrock,	220 60
G. W. Ruddle,	255 86
	$137,266 12

The estimated amount of road put under contract, including the Montgomery division, is $160,128 62; work done, estimated at $140,416 10, for constructing road.

This Board paid their first Engineer, Samuel Fitch, who was in their employ about a year and a half, $2,000 per annum; they then employed Jos. Patterson, at a salary of $1,200 per annum, who was in their employ from July 1838, to August 1840. The Treasurer of the company has been paid $200 a year up to May last, since which no salary has been paid. The President of the Company has been paid a compensation in proportion to the services rendered, varying from $175 to $275 annually. There is no officer in the employ of the company who has received compensation for his services since May last, except the President. There is nothing due to the officers of the company.

D. K. STOCKTON, *President.*

Office of the Bowlinggreen and State Line T. P. R. Co.
January 29th, 1842.

To the President and Members of the Board I. I.

Gentlemen: Your letters propounding certain interrogatories, is before me. Before I proceed to answer them, permit me to correct an error in my former report.

In answer to your seventh question, I stated from the reports then before me, made by the Engineer and Treasurers, that the sum then due to contractors and others, including retained per centage, &c. and for work done upon said road, was $5,241 79; this sum was not then correctly stated, nor am I at present able to tell how we fell into said error. The sum should, at a guess, be nearer $20,000. I will use the first opportunity to get the Treasurers together with their books, and have such examination made as will show the correct statement of the facts. I have no hesitation in stating that we will be able to find the clerical error that has caused us, inadvertantly, to make this statement, and while this is doing, I hope the laborers on the road will not be permitted to suffer for the want of the right appropriation being made for them, which I have ascertained by calling upon them, to be as before stated, nearly $20,000, on the 24th December last. Since that time $6,000 has been paid to them. Some additional work has since been done, that has not been estimated.

I will now respond to the interrogatories propounded by the House of Representatives, on the 17th January, 1842.

Answer to question 1st. This Board received from the State in State Bonds, $24,000 in April last, the whole of which was paid out for work done in the year of 1840; paid all the debts then due by the company, that had been estimated by the Engineer, and checked for by the President, up to that time; what we owe is for work done since. We try, as far as possible, to pay our oldest debts first.

Answer to question 2d. Our road was all under contract, and every section had progressed considerably, previous to 1st January, 1840. Since that time, some of the contractors have failed or given up contracts that have been re-let.

Answer to question 3d. At the time of letting the contracts on this road, it was believed that the amount of individual stock, necessary to complete the same, was fully and *bona fide* taken. Thus far the individual stockholders have paid their calls so well, that the contractors have received their pay with reasonable punctuality. Some of the original subscribers that were then thought good, have since failed; others have refused to pay, and it is thought by our lawyers, that some of them cannot be compelled to pay, owing to technical flaws in our charter, &c.

The decision of the courts thus far, have been rather against us, and our main reliance has been, in making appeals to their honor. We have but a very small amount of stock now due, that we can hope to get in this way. It will be impossible to get any more subscribed, unless contractors shall voluntarily take it rather than abandon their contracts nearly finished.

Answer to question 4th. The contractors were not required to take any stock, and some of the largest contractors are not stockholders.

The within is respectfully submitted.

JOHN B. HELM,
President of Bowlinggreen and State Line T. P. R. Co.

GAINES' × ROADS, *Feb.* 10, 1842.

AUSTIN P. COX, ESQ.

SIR: In answer to the resolutions of the General Assembly, forwarded by you, I take leave to state: 1st. That the funds received by our Board from the State, since the 1st day of January, 1840, have been exclusively applied to the payment of debts for work done previously, or in discharge of debts previously contracted; and no part of said funds have been applied to the payment of debts subsequently contracted. 2d. No contracts have been made, or work let, since the 1st day of January, 1840, except the grading of 6½ miles of our road, upon the terms specified and filed in your office. 3d. This Board have never required the contractors to take any stock, as a condition that they should receive their pay, nor are the contractors, or any of them, stockholders at all, nor have they been required to assume the debts of any stockholder, in any manner, direct or indirect. 4th. The Engineer receives a salary of $800 per annum; the Treasurer $400; the President $200; and very little, if any thing, is due them. The remainder of this enquiry is answered in the third answer.

Respectfully, yours,
JOHN P. GAINES.

ENGINEER'S OFFICE,
Hopkinsville, Feb. 4, 1842.

TO AUSTIN P. COX, ESQ.
Secretary Board Internal Improvement:

SIR:

I am directed by one of the Board of Managers of the Logan, Todd and Christian T. P. R. Co. to answer the questions, so far as I can, following the resolution of the House of Representatives, directed to the President of the Logan, Todd and Christian Turnpike Company, by you.

The President and Treasurer of the Company are absent at this time, and will not be home for some weeks. I will have to refer you to the report of the Treasurer and Engineer, of the 1st Dec. last, to the Board of Internal Improvement, for answers to the questions above referred to, excepting the following:

QUESTION 2d. Whether any contracts have been made, or work let out, since the 1st of January, 1840?

There has been no new contracts made since the 1st day of January, 1840, excepting some bridges, and some contracts that were declared abandoned, and re-let.

QUESTION 4th. Whether the contractors have not been required to take one third of their pay in stock, or if any, how much?

I can only answer the foregoing question, so far as relates to some of the bridges, and contracts that have been declared abandonded, and re-let, since I have been in the employ of this Company.

In letting the bridges, as above mentioned, and in re-letting work, the contractors have not been required to take any stock in pay, or otherwise, excepting when stock was transferred from one contractor to another, by the consent of each party.

The stock, as transferred, was of inconsiderable amount, not exceeding twenty shares of $50 each, the contracts being taken generally, by persons who were heavy stockholders, with a view to work out their stock.

So far as my knowledge extends, in no case has the contractors, (either before or after making a contract) been required to take stock in part pay.

Respectfully,

S. A. FORD,

Engineer Logan, Todd and Christian T. Co.

Maysville, *February* 4, 1842.

Dear Sir:

Your communication enclosing the resolutions of the Legislature, was addressed to C. Shultz, the former President of the Maysville and Bracken Turnpike Road Company. He was absent at the time it arrived, and a few days past, it was handed over to me, the present President of the road. I was elected the President of the road last April, and did not participate in its management previous to that time, but will endeavor to answer the several questions proposed by the resolutions enclosed to us in your letter.

Six miles of the road was put under contract in the year 1838, and no part has been put under contract since that time. All the contractors except F. McCue, and the contractor of a bridge across Lawrence's creek, completed their contracts in the years 1839—'40, and the funds of the company was distributed between the contractors, part to those who had completed their contracts, and part to those who were still at work on their resecptive contracts.

From the books of the Treasurer, it appears that the Company has received from individuals, the corporation, &c. the sum of	$22,960 00
From the State,	22,558 00
Amounting to the sum of	$45,518 00

The Company has paid out the following sums, viz:

To contractors for construction of road,	$40,032 00
For bridge, toll gates and repairs,	1,460 00
To Engineer and Superintendant,	1,126 00
Secretary and Treasurer,	800 00
Right of way,	257 00
Incidental expenses,	664 00
	$44,339 00

The Company have yet on hand the sum of $1,350 of the scrip of the city of Maysville. The only contracts made by the Company within the years 1840—'41, was a contract to build a toll house, and some contracts for repairs. The bridge across Lawrence creek had been previously let, but

the plan was not approved of by the Board, and the contract was so changed as to have a more permanentand substantial bridge built.

I am informed, that a contractor by the name of James Campbell, in the year 1839, took three shares of stock, and that Francis McCue took two shares of stock about the same time; and that A. Fulton, in the year 1840, took five shares of stock; they were all three contractors on the road; but he is informed that they were not required to take stock, before the Board would pay to them the amount due to them; no such condition was imposed on any contractor, and no contractor has been required to assume the payment of stock subscribed by other individuals, to obtain their pay.

I am also instructed to inform you, that no contractor took stock, at, or before the time of making his contract, and no contractor was required to take stock as a condition on which they were to get a contract.

I have examined the estimates of the cost of construction, made out by the Engineer, previous to letting the work to contractors; and find that every contract was let for less than the estimated cost, except one.

From the previous statements, you will see the amount paid out, and for what it was paid. The Engineer and superintendant claim a balance of two or three hundred dollars due to him—he sued the Company, and his case is taken to the Court of Appeals.

I have gotten the Treasurer to make out a statement of the amount the Company will owe, when Francis McCue completes his contract, and I find it to be $8,117, and our only means of payment at present, is the $1,350 of city scrip we have on hand, and the small balance due to us by the State. William B. Phillips of Louisville, subscribed the sum of $1,800, to the stock of the road—he moved to Louisville, and refused payment; he was sued more than one year past, but was successful in getting the suit continued, until he has failed. By his failure the Company will lose at least $1,250 due by him, and cost and interest; and also, an equal amount from the State.

This is the situation of the Maysville and Bracken Turnpike Road Company.

All of which is respectfully submitted, to the Board of Internal Improvements.

Yours, respectfully,
FRANCIS T. HORD,
President Maysville and Bracken T. P. R. Co.

NOTE.--The amount paid is represented in a former report, to be $50,750.
S. WELCH, *Chief Engineer.*

DRIPPING SPRING, *Feb.* 6, 1842.

To the President and Board of I. I. of the State of Kentucky:

The undersigned, President of that portion of the Louisville and Nashville Turnpike Company, that lies between Bell's Tavern and Bowlinggreen, would respectfully report, in answer to the several interrogatories propounded, in a resolution passed by the House of Representatives, January 17th, 1842:

To interrogatory 1st, we would answer, that this Board have invariably paid off the older debts of said Company first. Some portion of the funds

received since the 1st January, 1840, has been applied to the payment of debts subsequently created, but not leaving older unpaid.

To interrogatory 2d, we would answer: that owing to their being a gap between the road above Bowlinggreen and the road below, which had never been put under contract, and which lies contiguous to Bowlinggreen, this Board passed the following resolution:

Bowlinggreen, *April* 10, 1841.

On motion it is ordered, that Loyd J. Berry be, and he is hereby authorized, to let out on contract, the two sections, or either of them, next to Bowlinggreen, provided subscriptions sufficient on the part of individuals, can be procured, for the letting of said sections, or either of them.

Upon this resolution, Mr. Berry, our superintending Engineer, proceeded and let the section adjoining the town of Bowlinggreen, at the estimates made by H. J. Eastin, Esq. There has not been any stock yet subscribed, as contemplated in said resolution; nor has this Board confirmed the contract; neither will they do so until the requisite stock is subscribed by individuals and paid. There has been no other contract made since the 1st of January 1840.

To interrogatory 3d, we would answer: this Board has not, at any time, required any contractor or contractors to take any portion of the debt due them for work done, or to be done, in stock, before they would pay them; nor has there been any contract made, upon the condition of the contractor becoming a subscriber for stock; neither has any contractor been required to assume the payment of any stock subscribed by individuals.

Upon application of some contractors, (there being a deficit of stock subscribed on the road by individuals,) this Board passed the following resolution:

On motion it is ordered, that any creditor subscribing stock and paying the same, shall be entitled to the amount received from the State, on account of such payment.

In consequence of the passage of this resolution, two contractors have subscribed and paid in the sum of $400, which is the only stock subscribed, since our road was first put under contract.

The foregoing contains answers to all the interrogatories embraced in the resolutions of the House of Representatives, except such parts as has already been answered by former reports. Respectfully, &c.

RICHARD PATTERSON.

Munfordsville, January 31, 1842.

To the honorable the Board of Internal Improvement:

Gentlemen: We have the honor to acknowledge the receipt of a copy of the resolutions of the House of Representatives, propounding certain interrogatories to you, from your Clerk, and hasten to reply:

In answer to the first interrogatory, we say that the sums received from the Treasury since the 1st January, 1840, have been considerable, amounting to much more than was due at that time, and the Board have always regarded the debts outstanding and unpaid, as will appear by the following orders of their Board.

April 22, 1841, an order was made directing the Treasurer, in the disbursement of the $6,000 now on hand, to first pay the sums due previous to the 1st day of September, 1840, and that he pay such a per cent. on the balance of the debts of the Company, as the balance in his hands will justify.

Also, on the 7th of October, 1841, an order was made directing the Treasurer, in the disbursement of the sum then on hand, to first pay the debts due previous to the 1st day of January, 1841.

These orders have been generally regarded as far as practicable, but owing to the size of the bonds we were unable in every case to apply them to the oldest debts, and in some cases, in paying off the older debts, we were obliged to take in later debts to make change equal to the Bonds. In addition to which, the Board of Internal Improvement have authorized gates to be erected on the road, and some parts of it being unfinished, we were of the opinion that the interest of the State, the private stockholders, and the travelling community, required the completion of said portion, in doing which we have, to some extent, applied the funds received from the Treasury to younger claims. But how much has been applied in this way that has been drawn from the Treasury, it will be impossible for us to answer, as the payments have been so mixed with collection from, and payment through, individual stockholders, as to render it impossible.

In answer to the second interrogatory, we say that no contracts for work have been made since the 1st day of January, 1840, except one to complete the stoning on section No. 2, near Elizabethtown, which had been forfeited by the original contractor.

In answer to the third interrogatory, we say that in no instance have contractors been required to take one-third, or any other amount, in stock, as a condition of getting their money; and in no instance, nor at any time, have contractors taken or received any sum under such conditions. Nor have any of the contractors at any time been obliged to assume the stock subscribed by individual stockholders, to obtain their pay. We have, from the commencement of the work, paid large sums, at different times, due from individual stockholders, to contractors, as the debts might suit them.

In answer to the fourth interrogatory, we say that no person, in any original contract, has been required to take one-third stock. Only one instance of the kind has occurred. The new contractor on section No. 2, near Elizabethtown, came before the Board and made the proposition, and the Board, owing to its being near Elizabethtown and in the midst of four other sections nearly completed, believing the public interest and that of the State and stockholders would be advanced by it, and that a toll gate might be set up on it, accepted the proposition. The work is not yet done. The sum subscribed in this instance is $1,333⅓.

And in further answer, we say that we have paid out, to contractors and others, including all contingent expenses, $136,339 08¼, but to whom paid it would be impossible to tell without writing a volume.

During the first year and a half, of the progress of our work, we employed an Engineer at $2,000 per annum; we gave our treasurer, book keeper and stock collector, $500, and our superintendent $750; but on last year we gave our superintendent, who also performs the services of Engineer, $750 for both services, and our treasurer and book keeper $250, that is all the

expenses of the company for the last and present year. There is nothing due to any of the officers.

The amount of work let out by the Board is estimated at $176,326 62, and the estimate for work done by contractors, including retained per centage, is about $145,903.

All of which is respectfully submitted.

JAMES MURRAY, *President.*

Ordered, That said response be referred to the committee on Internal Improvement.

Mr. Craddock, from the joint committee appointed to examine Transylvania University, made the following report:

[*For the Report—see Legislative Documents.*]

Ordered, That said report be referred to Messrs. Chambers, Dixon, W. F. Bullock, Craddock and Browder; and that the Public Printer forthwith print 150 copies of said report for the use of the members of the General Assembly.

Mr. R. Wickliffe, Jr., from the committee for Courts of Justice, to whom was referred the petition of Catharine Cotton, asked to be discharged from the further consideration thereof—which was granted.

Ordered, That said petition be referred to Messrs. R. L. Wickliffe, Busby and Weir.

Mr. R. Wickliffe, Jr., from the same committee, asked to be discharged from the further consideration of the petition of the members of the Methodist Episcopal Church in Middletown; the petition of sundry citizens of Harrison county; the petition of Douglass Butler, and the petition of Peter Jameson—which was granted.

Mr. R. Wickliffe, Jr., asked to be discharged from the further consideration of the petition of Frances Jones—which was granted.

Ordered, That said petition be referred to the committee on Ways and Means.

Mr. R. Wickliffe, Jr., from the same committee, asked to be discharged from the further consideration of the petition of William B. Graves and wife—which was granted.

Ordered, That said petition be referred to Messrs. J. Speed Smith, Munday and Thomasson.

Mr. R. Wickliffe, Jr., from the same committee, reported a bill for the benefit of John Tilford, which was read the first time.

And the question being taken on ordering said bill to be read a second time, it was decided in the negative; and so the said bill was disagreed to.

Mr. R. Wickliffe, Jr., from the same committee to whom was referred a bill for the benefit of the Sheriffs of Meade and Hart counties, reported the same without amendment.

The said bill was then amended.

Ordered, That said bill, as amended, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be amended to read as follows: "An act for the benefit of the Sheriffs of Meade, Hart and Marion counties."

Mr. R. Wickliffe, Jr., from the same committee, reported a bill to amend the law in relation to guardians, which was read the first time and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

The question was then taken on engrossing and reading said bill a third time, and it was decided in the negative; and so the said bill was rejected.

Mr. McKee, from the same committee, to whom was referred a bill from the Senate, entitled, an act amending the act authorizing the Clarke County Court to appoint a Treasurer, approved February 20, 1839—reported the same, with an amendment, which was concurred in.

Ordered, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be amended to read—"An act amending an act authorizing the Clarke County Court to appoint a Treasurer, approved February 20, 1839, and for other purposes."

Mr. Browder, from the committee on Religion, reported a bill for the divorce of George M. Bearden, which was read the first time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between George M. Bearden and Mary Bearden be, and the same is forever dissolved, so far as relates to the said George M. Bearden; and he is hereby restored to all the rights and privileges of an unmarried man.

Ordered, That said bill be read a second time.

The rule of the House, constitutional provision and second and third reading of said bill having been dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and decided in the negative; and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Browder and Brien, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Biggs,	Harrison,	Morin,
Brien,	Ireland,	Noe,
Brown, J. S.	Johnson, D. B.	Sanders,

Buford,	Johnson, R. M.	Taylor,
Carlisle,	Kennedy, W.	Weir,
Chism,	Lykins,	White, J.
Cornish,	Marshall, W. N.	Wolfe,
Dixon,	Martin,	Wortham—26.
Fible,	Morgan,	

Those who voted in the negative, were—

Mr. Speaker,	Cummins,	Prewitt,
Messrs. Barbour,	Drake,	Rouse,
Barnett,	Forman,	Rumsey,
Basye,	Gaines,	Skiles,
Botts,	Garnett,	Smith, B.
Bowman,	Graham,	Smither,
Bramlette,	Hays,	Stone,
Browder,	Holbrook,	Thomasson,
Brown, T. D.	Innes,	Thompson,
Bullock, E. I.	Jefferson,	Triplett,
Bullock, W. F.	Karrick,	Todd,
Busby,	Kennedy, J.	Vance,
Carpenter,	Kinkead,	Vawter,
Chowning,	Kirtley,	Wakefield,
Chrisman, G. T.	McCann,	Welch,
Chrisman, M. T.	McKee,	Whaley,
Clarke,	Munday,	White, D.
Cox,	Paxton,	Wickliffe, R.
Craddock,	Petree,	Wickliffe, R. L.-57

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By the committee for Courts of Justice—1. A bill for the benefit of Mechanics and others performing labour and furnishing materials for the constructing or repairing of building in the towns of Frankfort and Hickman.

By same—2. A bill to amend an act, entitled, an act to amend and reduce into one the several acts regulating the towns of Henderson, approved January 21, 1840.

By same—3. A bill authorizing a change of venue in the case of the Commonwealth against Richard Singleton.

By same—4. A bill allowing additional Justices of the Peace to the counties Mason and Wayne.

By same—5. A bill for the benefit of Sarah Gough.

By same—6. A bill for the benefit of Elizabeth Green.

By the committee on Internal Improvement—7. A bill to provide for the payment of the debt already due to contractors on the public works, and for the further prosecution of the public works in the State of Kentucky.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said

bills having been dispensed with, the 1st, 2d, 3d, 4th, 5th and 6th bills were severally ordered to be engrossed and read a third time, and the 7th was made the special order of day for Wednesday next.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 3d, 4th, 5th and 6th bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Public Printer forthwith print 150 copies of the 7th bill for the use of the members of the General Assembly.

Ordered, That the committee of the whole be discharged from the further consideration of the bill concerning the Lexington and Ohio Railroad, and that the same be referred to the committee on Internal Improvement.

The amendments proposed by the Senate to bills from this House of the following titles, viz:

An act to establish the county line between the counties of Greenup, Carter and Lawrence.

An act to vacate a part of the town of Westport, and for other purposes.

An act to repeal an act to increase the powers of the Christian County Court, and for other purposes.

An act to incorporate the Trustees of the Hardinsburg Methodist Episcopal Church and Masonic Hall.

An act to change the place of voting in the Laurel Fork election precinct in the county of Lewis, and for other purposes.

Were taken up, twice read, and concurred in.

Bills from the Senate of the following titles, viz:

1. An act more effectually to protect the right of suffrage.

2. An act for the benefit of the heirs and legal representatives of John Hall and Jacob Castleman.

3. An act for the benefit of Andrew J. Jaines.

4. An act for the benefit of the Sheriffs of Nicholas and Lawrence counties.

5. An act for the benefit of William Baxter.

6. An act to incorporate the Methodist Episcopal Church in the city of Covington.

7. An act to provide for the election of Senators, when there is a tie between the candidates.

8. An act to amend the charter of the city of Maysville.

9. An act allowing additional Constables to the counties of Spencer and Muhlenburg:

10. An act to allow John Fonda to adopt his nephew, John Edwin Blumenthal, as his son.

11. An act for the benefit of Polly Greenbee, and her four youngest children.

12. An act for the benefit of Christopher A. Rudd's widow and children.

13. An act for the benefit of the widow and heirs of Asa Pittman, dec'd, and James Frazer.

14. An act to amend the law concerning the jurisdiction of Magistrates, for sums under an appeal.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with—the 1st was referred to the committee on Privileges and Elections; the 2d, 3d, 8th, 9th, 10th, 12th and 13th were severally ordered to be read a third time; the 4th was referred to the committee on Ways and Means; the 5th and 6th to the committee on Religion; and the 7th, 11th and 14th to the committee for Courts of Justice.

The rule of the House, constitutional provision and third reading of the 2d, 3d, 8th, 9th, 10th, 12th and 13th bills having been dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The yeas and nays being required on the passage of the 3d bill by Messrs. R. Wickliffe, Jr., and Fletcher, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Gaines,	Munday,
Messrs. Barnett,	Garnett,	Noe,
Biggs,	Gilliam,	Owsley,
Botts,	Graham,	Paxton,
Bowman,	Harrison,	Sanders,
Bramlette,	Hays,	Skiles,
Brien,	Ireland,	Smith, B.
Buford,	Johnson, R. M.	Smither,
Bullock, E. I.	Kennedy, J.	Thomasson,
Bullock, W. F.	Kinkead,	Triplett,
Busby,	Kirtley,	Todd,
Carlisle,	Lewis,	Vance,
Chambers,	Lykins,	Vawter,
Chism,	Marshall, W. N.	White, D.
Chrisman, G. T.	McCann,	Wickliffe, R. L.
Chrisman, M. T.	McKee,	Wortham,
Drake,	Morgan,	Young—51.

Those who voted in the negative, were—

Messrs. Barbour,	Flournoy,	Stone,
Browder,	Forman,	Swope,
Carpenter,	Holbrook,	Taylor,
Chowning,	Innes,	Thompson,
Clarke,	Jefferson,	Wand,

Cornish,	Johnson, D. B.	Weir,
Cox,	Karrick,	Welch,
Craddock,	Martin,	Whaley,
Cummins,	Morin,	White, J.
Fible,	Prewitt,	Wickliffe, R.
Fletcher,	Rumsey,	Wolfe—33.

A message was received from the Senate asking leave to withdraw their report announcing their disagreement to a bill from this House, entitled, an act for the benefit of W. and A. Cooper—which was granted, and the bill withdrawn.

A bill from the Senate, entitled, an act to amend the law concerning slaves, was read the first time.

And the question being taken on reading said bill a second time, it was decided in the negative; and so the said bill was disagreed to.

A bill from the Senate, entitled, an act to amend an act providing that the estates of persons dying without heirs or distributees shall vest in the Commonwealth, and for other purposes, was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

The said bill was then amended.

Mr. T. D. Brown then moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Craddock and Conway, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barbour,	Forman,	Prewitt,
Biggs,	Gilliam,	Rouse,
Botts,	Graham,	Rumsey,
Brown, T. D.	Hays,	Sanders,
Buford,	Holbrook,	Smith, J. Speed
Bullock, W. F.	Innes,	Smither,
Busby,	Ireland,	Stone,
Carlisle,	Jefferson,	Triplett,
Chambers,	Karrick,	Todd,
Chowning,	Kennedy, J.	Vawter,
Chrisman, G. T.	Kinkead,	Wakefield,
Clarke,	Kirtley,	Welch,
Conway,	Lykins,	Whaley,
Cornish,	Marshall, W. C.	White, D.
Cox,	McCann,	White, J.
Dixon,	McKee,	Wickliffe, R. L.
Drake,	Morgan,	Wolfe,
Fletcher,	Munday,	Young—56.
Flournoy,	Owsley,	

Those who voted in the negative, were—

Mr. Speaker,	Chrisman, M. T.	Marshall, W. N.
Messrs. Barnett,	Craddock,	Paxton,
Bowman,	Cummins,	Smith, B.
Bramlette,	Fible,	Taylor,
Brien,	Gaines,	Thomasson,
Browder,	Garnett,	Vance,
Bullock, E. I.	Harrison,	Wand,
Carpenter,	Johnson, D. B.	Weir,
Chism,	Johnson, R. M.	Wickliffe, R.—27.

The main question was then put—Shall the bill, as amended, be read a third time? and it was decided in the affirmative.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

The question was then taken on the passage of said bill, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. R. Wickliffe, Jr., and D. B. Johnson, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Forman,	Prewitt,
Messrs. Barbour,	Gaines,	Rouse,
Biggs,	Garnett,	Rumsey,
Botts,	Gilliam,	Sanders,
Bowman,	Graham,	Skiles,
Browder,	Harrison,	Smith, B.
Brown, T. D.	Hays,	Smith, J. Speed
Buford,	Holbrook,	Smither,
Bullock, E. I.	Innes,	Stone,
Bullock, W. F.	Ireland,	Swope,
Busby,	Jefferson,	Thomasson,
Carlisle,	Johnson, D. B.	Thompson,
Chambers,	Johnson, R. M.	Triplett,
Chism,	Karrick,	Todd,
Chowning,	Kennedy, J.	Vance,
Chrisman, G. T.	Kinkead,	Vawter,
Chrisman, M. T.	Kirtley,	Wakefield,
Clarke,	Lykins,	Wand,
Conklin,	Marshall, W. C.	Weir,
Conway,	Marshall, W. N.	Welch,
Cornish,	McCann,	Whaley,
Cox,	McKee,	White, D.
Craddock,	Morgan,	White, J.
Cummins,	Munday,	Wickliffe, R.
Dixon,	Nuttall,	Wickliffe, R. L.
Drake,	Owsley,	Wolfe,
Fible,	Paxton,	Young—82.
Flournoy,		

Those who voted in the negative, were—

Messrs. Bramlette, Brien, Taylor—3.

Resolved, That the title thereof be as aforesaid.

And then the House adjourned.

FRIDAY, FEBRUARY 11, 1842.

1. Mr. E. I. Bullock presented the petition of M. R. Stealey, praying compensation for expenses incurred in selling State bonds and disbursing the proceeds among the contractors on public works.

2. Mr. Thompson presented the petition of Adilla Noel, praying to be divorced from her husband, Robert Noel.

3. Mr. Thomasson presented the petition of James M. Stephens, praying to be divorced from his wife, Susan Jane Stephens.

4. Mr. Sanders presented the memorial of sundry citizens of Carroll county, praying that the Board of Internal Improvement be abolished.

5. Mr. Gaines presented the petition of Robert P. W. Noel, praying to be divorced from his wife, Adilla Noel.

6. Mr. Morgan presented the petition of sundry citizens of the county of Meade, praying the passage a law establishing a Commonwealth's Bank.

7. Mr. Clarke presented the petition of John S. Malone, praying the passage of a law providing for the payment of the amount due him on his contract for constructing a part of the Louisville and Nashville turnpike road.

Which petitions and memorial were severally received, the reading thereof dispensed with, and referred—the 1st to the committee for Courts of Justice; the 2d, 3d and 5th to the committee on Religion; the 4th and 7th to the committee on Internal Improvement; and the 6th to Messrs. Nuttall, Barbour, Craddock, Sanders, T. D. Brown, Triplett, Conklin, Bramlette and E. I. Bullock.

Mr. Prewitt asked leave to withdraw the petition of David Trimble and wife—which was granted, and the petition withdrawn.

On motion of Mr. Smither, leave was given to bring in a bill for the benefit of Mrs. Robinson and heirs.

Ordered, That Messrs. Smither, E. I. Bullock and Morgan prepare and bring in the same.

Mr. Browder, from the committee on Religion, to whom was referred

a bill from the Senate, entitled, an act for the benefit of Anderson Wade—reported same without amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Browder, from the same committee, to whom was referred the petition of Tacy Terry; the petition of Samuel W. Weaver, and the petition of James and Polly Mitchell—reported the same, with the following resolution, viz:

Resolved, That said petitions be rejected.

Which was concurred in.

Mr. Browder, from the same committee, to whom was referred the petition of Elisha Weller—reported the same, with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

On motion of Mr. R. L. Wickliffe, leave was given him to withdraw said petition—and the same was withdrawn.

Mr. Browder, from the same committee, to whom was referred the petition of Elizabeth Pryor—reported the same, with the following resolution, viz:

Resolved, That said petition be rejected.

Mr. Morin moved to amend said resolution by striking out "be rejected," and inserting "is reasonable."

And the question being taken thereon, it was decided in the affirmative.

Ordered, That said committee prepare and bring in a bill in pursuance of said petition.

Mr. Browder, from the same committee, to whom was referred the petition of John Smith—reported the same, with the following resolution, viz:

Resolved, That said petition be rejected.

Mr. Chambers moved to amend said resolution by striking out the words "be rejected," and inserting "is reasonable."

And the question being taken thereon, it was decided in the affirmative.

Ordered, That the committee prepare and bring in a bill in accordance with the prayer of said petition.

Mr. Browder, from the same committee, to whom was referred the petition of Eliza Brame—reported the same, with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

On motion of Mr. Gaines, leave was given to withdraw said petition, and the same was withdrawn.

Mr. Browder, from the same committee, asked leave to be discharged from the further consideration of the memorial of sundry citizens of Mason county, praying a modification of the license law, which was granted.

Mr. Vance, from the committee on Ways and Means, to whom was referred the petition of R. E. Rowland—reported the same, with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. Vance, from the same committee, to whom was referred a bill from the Senate, entitled, an act for the payment of taxes on non-resident's lands, reported the same without amendment.

Ordered, That said bill be read a third time.

Mr. Holbrook, from the same committee, to whom was referred a bill from the Senate, entitled, an act to amend the law relating to pedlars—reported the same, with an amendment, which was concurred in.

Ordered, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

The said bill was further amended, on the motion of Messrs. Garnett and Chambers, by adding engrossed clauses, by way of riders.

The question was then taken on the passage of said bill, as amended, and decided in the affirmative.

Resolved, That the title of said bill be amended to read as follows: "An act to amend the law relating to pedlars, and for other purposes."

Mr. Holbrook, from the same committee, to whom was referred the petition of Thomas J. Nolin—reported the same, with the following resolution, viz:

Resolved, That said petition be rejected.

Mr. Lewis moved to amend said resolution, by striking out "be rejected," and inserting "is reasonable."

And the question being taken thereon, it was decided in the affirmative.

Ordered, That the committee prepare and bring in a bill in accordance with the prayer of said petition, with instructions not to allow interest.

Mr. Graham, from the same committee to whom was referred a bill from the Senate, entitled, an act concerning the revenue of 1842—reported the same without amendment.

And the question being taken on reading said bill a third time, it was decided in the negative; and so the said bill was disagreed to.

Mr. Skiles, from the committee on Internal Improvement, to whom was referred the petition of George W. King, asked leave to be discharged from the further consideration thereof—which was granted.

On motion of Mr. Dixon, leave was given to withdraw said petition—and the same was withdrawn.

Mr. Vance, from the committee on Ways and Means, reported a bill for the benefit of the Sheriff of Oldham county—which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

The said bill was then amended.

On motion of Mr. Craddock,

Ordered, That said bill, as amended, be laid on the table until the first day of June next.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Religion—1. A bill for the divorce of Ann Creighton.

By same—2. A bill to incorporate the Paducah Baptist Church.

By same—3. A bill to incorporate the Paducah Methodist Episcopal Church.

By same—4. A bill for the divorce and change of name of Amanda Skeeters.

By same—5. A bill for the divorce of Mary O. Knight.

By same—6. A bill to legalize the marriage of James Lashbrook and Nancy Burkhead.

By same—7. A bill for the divorce of Elizabeth Million.

By same—8. A bill for the divorce of Mary Brockway.

By same—9. A bill for the divorce of Robert S. Brame.

By the committee on Ways and Means—10. A bill for the benefit of the Sheriff of Meade county.

By same—11. A bill for the benefit of Allen Gudgell, late Sheriff of Bath county, and his deputies.

By same—12. A bill for the benefit of the Sheriff of Breathitt county.

By same—13. A bill for the benefit of Thomas Parker, late Sheriff of Lewis county, and for other purposes.

By same—14. A bill for the benefit of Thompson N. Stratton.

By same—15. A bill for the benefit of Richard W. Hawkins, deputy Sheriff of Carroll county.

By same—16. A bill for the benefit of the citizens of Lawrence county, and for other purposes.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of said bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Skiles, from the committee on Internal Improvement, reported a bill for the benefit of John Hulme—which was read the first time as follows, viz:

WHEREAS, It is represented to the present General Assembly, that John Hulme was employed by the Board of Internal Improvement during the years 1837-38-39 and '40, for the purpose of manufacturing hydraulic lime for the construction of the works on Green, Barren, Kentucky and Licking River Navigation: *And whereas*, Said Hulme made advances during the years 1839 and '40 for the prosecution of the work, which has not been refunded—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts be authorized and directed to issue his warrant on the Treasurer for the sum of six thousand three hundred and sixty four dollars and eighty four cents, in favor of said Hulme, being the full amount of principal and interest for advances made; which shall be paid out of any money in the Treasury not otherwise appropriated.

Ordered, That said bill be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Mr. Fletcher moved to amend said bill by striking out the following words: "any money in the Treasury not otherwise appropriated," and inserting in lieu thereof the following: "the Internal Improvement fund."

Mr. Thomasson called for a division of the question.

The question was first taken on striking out, and decided in the negative.

The yeas and nays being required thereon by Messrs. Fletcher and Conklin, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barnett,	Fletcher,	Stone,
Brien,	Ireland,	Thompson,
Conklin,	Karrick,	Wand,
Cornish,	Marshall, W. N.	White, J.
Cummins,	Morgan,	Wickliffe, R. L.-15

Those who voted in the negative, were—

Mr. Speaker,	Forman,	Petree,
Messrs. Barbour,	Gaines,	Prewitt,
Botts,	Garnett,	Rouse,
Bowman,	Gilliam,	Sanders,
Bramlette,	Graham,	Skiles,
Browder,	Hays,	Smith, B.
Brown, T. D.	Holbrook,	Smith, J. Speed
Buford,	Innes,	Smither,
Bullock, E. I.	Jefferson,	Swope,
Bullock, W. F.	Johnson, R. M.	Taylor,
Busby,	Kennedy, J.	Thomasson,
Carlisle,	Kinkead,	Triplett,

Carpenter,	Kirtley,	Todd,
Chambers,	Lewis,	Vance,
Chism,	Lykins,	Vawter,
Chowning,	Marshall, W. C.	Wakefield,
Chrisman, G. T.	McCann,	Weir,
Chrisman, M. T.	McKee,	Welch,
Conway,	Martin,	Whaley,
Cox,	Morin,	White, D.
Dixon,	Munday,	Wickliffe, R.
Drake,	Owsley,	Wolfe,
Fible,	Paxton,	Young—70.
Flournoy,		

Ordered, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Then the House adjourned.

SATURDAY, FEBRUARY 12, 1842.

A message was received from the Senate announcing the passage of bills from that House of the following titles, viz:

An act for the benefit of Paulina G. Rodes and her children.

An act for the benefit of Knight B. Curd, late of Warren county, Kentucky.

An act to change the name of William O. Gallihew to that of William Rice.

The Speaker laid before the House a communication from Remus Griffith, (with accompanying documents,) in relation to the accounts of the Commissioners of the Green and Barren River Navigation—which was received, read, and referred to the committee appointed to settle the accounts of said Commissioners.

Ordered, That the Public Printer forthwith print 150 copies of said communication, and accompanying documents, for the use of the members of the General Assembly.

1. Mr. Browder presented the petition of Eliza B. Coleman, praying the passage of a law compelling the administrator of James Strong, dec'd, a man

of colour, to pay over to her the amount of said deceased estate, for the use of his wife and son.

2. Mr. Harrison presented the petition of sundry citizens of the 23d school district in Christian county, including the town of Hopkinsville, praying a repeal of the common school law, so far as regards said district.

3. Mr. Cornish presented the petition of John E. Long, praying to be divorced from his wife, Eliza Long.

4. Mr. Craddock presented the petition of sundry citizens or Hart county, praying the establishment of a Commonwealth's Bank.

5. Mr. Morgan presented the petition of sundry citizens of the town of Garnettsville, in Meade county, praying the passage of a law incorporating said town.

6. Mr. Craddock presented the memorial of sundry citizens in relation to the Louisville and Nashville turnpike road.

Which petitions and memorial were severally received, the reading thereof dispensed with, (except the 6th, which was read,) and referred—the 1st to the committee on Ways and Means; the 2d to the committee on Education; the 3d to the commitee on Religion; the 4th to Messrs. Nuttall, Barbour, Craddock, T. D. Brown, Bramlette, Triplett, Conklin, Sanders and E. I. Bullock; the 5th to Messrs. Morgan, Hays and Vawter; and the 6th to the committee on Internal Improvement.

Bills from the Senate of the following titles, viz:

An act for the benefit of Paulina G. Rodes and her children.

An act for the benefit of the Preachers' Aid Society of the Kentucky Conference.

An act authorizing Joel P. Williams and others to sell a certain church in Harrodsburg.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of said bills having been dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The Speaker laid before the House a communication from the President of the Board of Internal Improvement in relation to the obstructions in lock No. 4, on the Kentucky river, produced by the sinking of the steamboat, Argo.

Ordered, That said communication be referred to Messrs. E. I. Bullock, Swope, W. F. Bullock. J. Speed Smith, Skiles and Dixon.

On motion of Mr. J. Kennedy,

Resolved, That after this week the House will adjourn at two, and after a recess of an hour, meet again at three o'clock.

Mr. J. Kennedy read and laid on the table the following preamble and resolutions, viz:

Whereas, a faithful examination, by a joint committee of both houses of the Legislature, has been made into the condition of the Banks of this Commonwealth, from the result of which, it is manifest that they are in a solvent condition, ready to commence specie payments under *ordinary* circumstances, at any moment; but it being the opinion of this General Assembly, that a resumption *at this time*, under the existing *extraordinary* circumstances, would be, if not destructive to the Banks, at least, ruinous to the country, therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That it is the duty of the Banks to administer to the wants of the people, to such extent as may be in their power, having due regard to a resumption of specie payments, of all their liabilities, at the earliest practicable moment, and that it is inexpedient further to legislate on the subject at this time.

Resolved further, That the Bank of Kentucky, Northern Bank of Kentucky, and the Bank of Louisville, shall be exonerated from any forfeiture of their charters, so soon as they shall respectively resume the payment of all their liabilities in gold or silver.

Ordered, That the Public Printer forthwith print 150 copies of said preamble and resolutions for the use of the members of the General Assembly.

Mr. R. Wickliffe, Jr., moved the following resolution, viz:

Resolved, That the committee on Banks be instructed to enquire into the expediency of amending the charter of the Northern Bank of Kentucky, so as to authorize the said Bank to dispose of the bonds of the State held by it, and to invest the proceeds arising from the sale of said bonds in the purchase of the capital stock of said Bank.

Which being twice read was adopted.

Mr. Martin read and laid on the table the following preamble and resolution, viz:

Whereas, it is the opinion of this House that the good people of this Commonwealth recognize, in the fullest acceptation of their meaning, the equality of rights and the moral obligation of contracts, as well as the constitutional inhibition against exclusive privileges, and whereas, in granting charters of incorporation, it is not intended, so far as this House is concerned, to confer privileges that cannot be granted to the people; that when corporate privileges are granted, it is expected the corporators will reciprocate the benefits conferred; and whereas, we regard the obligation of corporations to fulfil the contracts, as binding as similar obligations contracted by the people, one with another, and that we regard it as unwise and impolitic, to interfere retrospectively, with the relations of debtor and creditor. Therefore,

Resolved, That any further legislation legalizing the suspension of specie payments by the Banks, would be in contravention of the principles here avowed, and in derogation of the most sacred rights of their creditors; and that as the Legislature possesses the power, it ought to exercise it to make

the Banks (as well as individuals) comply with their obligations imposed by their charters and accepted by their stockholders.

On motion of Mr. J. Speed Smith,

Ordered, That said preamble and resolution be laid on the table for the present.

Mr. McKee read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That in the opinion of this Legislature the extension of privileges to Banks and other corporations, exempting them from liabilities incurred under their charters, is a species of legislation, partial in its operation, mischievous in its tendency, not warranted by the spirit of the constitution, and well calculated to destroy confidence, and produce irreparable mischief.

Mr. Conklin moved the following resolution, viz:

WHEREAS, time has proven to the people of this Commonwealth, that from the commencement of the system of Internal Improvement in this State, they have been deceived, (whether intentional or by the incompetency of the Engineers in the State's service, they know not) in the annual estimates necessary to prosecute the works, and finally in the aggregate amounts which would be required to finish many of the same, and in order that they may be informed, as near as can be ascertained, to what extent the State debt is yet to be increased,

Resolved, That the committee on Internal Improvement be instructed to ascertain, as near as possible, and report to this House what will be the condition of the works of Internal Improvement, when the appropriations of the present session, if applied as provided by a bill from that committee, is expended? what amount will be required for the year 1843? what amount will be necessary to finish all indispensable works, and finally, to finish all works under contract, upon which moneys or State bonds have been expended?

Which being twice read was adopted.

Leave was given to bring in the following bills, viz:

On motion of Mr. J. Kennedy—1. A bill supplementary to an act, to amend an act, providing that the estates of persons dying without heirs or distributees shall vest in the Commonwealth, and for other purposes.

On motion of same—2. A bill for the benefit of C. J. Blackburn.

On motion of Mr. Thompson—3. A bill to incorporate the Mt. Washington Academy.

On motion of Mr. Young—4. A bill for the benefit of John W. Tidings, and others.

On motion of Mr. W. C. Marshall—5. A bill to amend the road laws in the county of Bracken.

On motion of Mr. Brien—6. A bill for the benefit of the Sheriff of Calloway county, and for other purposes.

On motion of Mr. D. White—7. A bill for the benefit of the Clerk of the Garrard County and Circuit Courts.

On motion of Mr. Bowman—8. A bill to change the time of holding the terms of the Casey Circuit Court.

On motion of Mr. Morin—9. A bill to revive and continue in force the acts authorizing the settlement and winding up of the Newport Bank.

On motion of Mr. Triplett—10. A bill for the benefit of William Newton, late Sheriff of Daviess county.

On motion of Mr. McKee—11. A bill to authorize proceedings by information in the nature of writs of *quo warranto* in certain cases, and for other purposes.

On motion of same—12. A bill to amend an act, entitled, an act the better to provide against fraudulent purchases, and fraudulent sales and conveyances of property, to the prejudice of creditors.

On motion of Mr. T. D. Brown—13. A bill to exempt the citizens of Hardin county, who come into the turnpike road from the Hardinsburg road, from the payment of toll at the gate.

On motion of same—14. A bill to change a Constable's district in Hardin county.

On motion of Mr. Innes—15. A bill to prevent the quartering of slaves a distance from their owners, without being under the control of an overseer.

On motion of Mr. G. T. Chrisman—16. A bill to provide for compensating jurors in certain cases, and for other purposes.

On motion of Mr. Thomasson—17. A bill to amend the law incorporating the Jefferson Pond Draining Company.

On motion of Mr. Hays—18. A bill to incorporate the Barboursville Lyceum.

On motion of Mr. Buford—19. A bill preventing waggoners using bells on their horses, on all roads where stages run.

On motion of Mr. J. Speed Smith—20. A bill to amend the law regulating the taking of depositions.

On motion of same—21. A bill to amend and explain an act for the benefit of Jane Myers.

On motion of Mr. Munday—22. A bill to regulate and fix the value of the unappropriated land in the county of Madison.

On motion of Mr. Cornish—23. A bill to regulate certain proceedings of the County Courts of this Commonwealth, and for other purposes.

On motion of Mr. Lykins—24. A bill further to regulate the licensing of of clock pedlars, and for other purposes.

On motion of Mr. Fletcher—25. A bill to reduce the number of Justices of the Peace in McCracken county.

On motion of Mr. Prewitt—26. A bill to amend the law in relation to duties of overseers of the public roads.

On motion of Mr. Rumsey—27. A bill for the benefit of Philip Graves, and for other purposes.

On motion of Mr. Swope—28. A bill to amend an act, entitled, an act authorizing the County Court of Pendleton to appoint a county Treasurer for said county.

On motion of Mr. E. I. Bullock—29. A bill for the benefit of John Blankenship.

On motion of Mr. D. B. Johnson—30. A bill more effectually to provide for the trial of the right of property by jury.

On motion of same—31. A bill more effectually to regulate the duties of Constables, and to regulate their fees.

On motion of Mr. Taylor—32. A bill to establish a tobacco inspection at Montezuma, in Union county.

On motion of Mr. Kinkead—33. A bill to provide for the payment of jurors in the General Court.

Ordered, That the committee for Courts for Justice prepare and bring in the 1st, 11th, 12th, 15th, 21st, 23d, 25th, 30th and 33d: the committee on Internal Improvement the 2d and 26th; Messrs. Thompson, G. T. Chrisman and Whaley the 3d; the committee on Military Affairs the 4th and 10th; Messes. W. C. Marshall, Whaley, Young and Forman the 5th; Messrs. Brien, Barnett, Cornish and Carpenter the 6th; Messrs. D. White, Buford, J. Speed Smith and Owsley the 7th; Messrs. Bowman, E. I. Bullock and Martin the 8th; Messrs. Morin, Vawter and R. Wickliffe, Jr., the 9th; Messrs. T. D. Brown, Conway, Morgan and McKee the 13th; Messrs. T. D. Brown, Conway and Morgan the 14th; Messrs. G. T. Chrisman, Thompson and Drake the 16th; Messrs. Thomasson, Vance and W. F. Bullock the 17th; Messrs. Hays, Morgan and Bowman the 18th; Messrs. Buford, Kinkead and Wolfe the 19th; Messrs. J. Speed Smith, McKee, Munday, Weir and Carlisle the 20th; Messrs. Munday, J. Speed Smith and G. T. Chrisman the 22d; Messrs. Lykins, Wortham and Kirtley the 24th; Messrs. Rumsey, Wand and Weir the 27th; Messrs. Swope, W. C. Marshall and Innes the 28th; Messrs. E. I. Bullock, Smither and Bramlette the 29th; Messrs. D. B. Johnson, Nuttall and Sanders the 31st; and Messrs. Taylor, Dixon and Weir the 32d.

Mr. Dixon moved a reconsideration of the vote, laying on the table until the first day of June next, a bill for the benefit of the Sheriff of Oldham county.

And the question being taken thereon, it was decided in the affirmative.

Ordered, That said bill be placed in the orders of the day.

Mr. G. T. Chrisman moved the following resolution, viz:

Resolved, That the committee for Courts of Justice be instructed to enquire into the expediency of passing a law to compensate Sheriffs and oth-

er officers for guarding and keeping of persons who may hereafter be arrested under the charge of felony or larceny, until they shall have a trial before the examining court.

Which being twice read was adopted.

Mr. Chambers read and laid on the table the following preamble and restions, viz;

Whereas, it is represented to the General Assembly of the Commonwealth of Kentucky, that the Government of the United States, anxious to encourage the production of *water rotted hemp*, for the supply of our national and commercial marine, but especially the former, has heretofore contracted with certain individuals for the delivery of large quantities of domestic water rotted hemp of a certain quality, at high prices; and whereas, it is further represented to this General Assembly, that said contractors with the General Government, have only offered and paid to the producers of said hemp, prices much (even fifty per cent.) lower than the said contractors receive from the Government, thereby realizing a very large profit, which ought, for the advancement of this important branch of national industry and enterprize, to accrue to the farmer and not to speculators: and whereas, it is the opinion of this General Assembly, that if fair encouragement were given to the farmers of Kentucky, to engage in water rotting hemp, they would very soon be enabled to supply the Navy with an article not inferior in quality, to the imported hemp now in use, at a price certainly not greater, than is paid for said imported article. Wherefore,

1. *Resolved*, That our Senators and Representatives in Congress be, and are hereby requested, to impress upon the proper Department of the General Government, the propriety of purchasing hemp for Government purposes, *immediately* of the *producer*, through the agency of a competent salaried officer, in case an inspection and manufactory of hemp, be not (in accordance with the recommendation contained in resolutions passed by the General Assembly at its present session) established by Government, within the limits of this Commonwealth.

2. *Resolved*, That the Governor be, and he is hereby requested, to transmit a copy of this preamble and resolution to each of our Senators and Representatives in Congress, and to the Secretary of the Navy.

Mr. W. Kennedy, from the joint committee on Enrollments, reported that the committee had examined sundry enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz;

An act to vacate a part of the town of Westport, and for other purposes.

An act to repeal an act to increase the powers of the Christian County Court, and for other purposes.

An act to change the place of voting in certain election precincts in the counties of Lewis, Knox and Shelby.

An act to incorporate the Trustees of the Hardinsburg Methodist Episcopal Church and Masonic Hall.

An act to establish the county of Marshall.

An act to establish an election precinct in Fleming county, and for other purposes.

An act to enlarge the Constable's district in the town of Monticello.

An act for the benefit of the Constable in the district of Sovreign Popplewell, a Justice of the Peace of Wayne county, and for other purposes.

An act to establish the county lines between the counties of Greenup, Carter and Lawrence.

An act to amend the several acts incorporating the Henderson, Madisonville and Hopkinsville turnpike road company.

An act to establish a State road from Liberty, through Russell county, to Albany, in Clinton county.

An act to extend the bounds of the Constable's district in the town of Breathitt.

An act to authorize the Trustees of the town of Lancaster to sell certain alleys in said town, and for other purposes.

An act to amend an act, entitled, an act appropriating six thousand acres of land west of the Tennessee river for the erection of a bridge across Pitman's creek, in Green county.

An act for the benefit of the Clerk of the County Court of Fleming, and for other purposes.

An act to repeal an act, entitled, an act to reduce the number of Justices of the Peace in Anderson county, and for other purposes.

An act for the benefit of John Hockersmith.

An act for the benefit of Lewis Justice, David Ford, Isaac Taylor and Joshua Robinson.

An act for the benefit of the Clerk of the Garrard County Court.

And had examined enrolled bills which originated in the Senate of the folowing titles, viz:

An act concerning the 17th judicial district.

An act for the benefit of Samuel Lawler.

An act for the benefit of the widow and heirs of Asa Pittman, dec'd, and James Frazer.

An act for the benefit of Christopher A. Rudd's widow and children.

An act to allow John Fonda to adopt his nephew, John Edwin Blumenthal, as his son.

An act allowing additional Constables to the counties of Spencer and Muhlenburg.

An act to amend the charter of the city of Maysville.

An act for the benefit of Andrew J. Jaines.

An act for the benefit of the heirs and legal representatives of John Hall and Jacob Castleman.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Kennedy inform the Senate thereof.

A bill to amend the law establishing the Board of Internal Improvement, was read a second time.

Ordered, That said bill be postponed to and made the special order of the day for Tuesday next.

Mr. Weir moved the following resolution, viz:

Resolved, That the Secretary of State furnish this House with a schedule of the bonds issued by the State of Kentucky, up to, and including the 30th of December, 1841, with the date of said bonds, the time when due, amount of each issue, to whom issued and to whom delivered, date of the law authorising the issue, amount authorized to be issued under each act, amount issued under each act, amount unredeemed, rate of interest, when reimbursable or payable, object for which bonds were issued, together with such other facts (in relation to these bonds) as he may deem necessary, for the information of the members of the General Assembly.

Which being twice read was adopted.

Mr. Prewitt moved the following resolution, viz:

Resolved, That the committee on Education be instructed to enquire into the expediency of dispensing with the further services of the Superintendent of Public Instruction of this State.

Which being twice read was adopted.

Mr. Buford, from the select committee appointed to prepare and bring in the same, reported a bill to change the time of the meeting of the General Assembly—which was read the first time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act, entitled, an act to change the time of meeting of the General Assembly, passed at the last session, be, and the same is hereby repealed, and that hereafter the time for the annual meeting of the General Assembly, shall be on the 1st Monday in December, in each year.

Mr. Cornish then moved to lay said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Morin and Weir, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Cox,	Morin,
Messrs. Barbour,	Craddock,	Noe,
Barnett,	Cummins,	Paxton,
Bowman,	Drake,	Petree,
Bramlette,	Fletcher,	Prewitt,
Brawner,	Garnett,	Rumsey,
Brien,	Graham,	Skiles,
Brown, T. D.	Harrison,	Smith, B.

Bullock, E. I.	Hays,	Smither,
Busby,	Holbrook,	Stone,
Carlisle,	Innes,	Taylor,
Carpenter,	Ireland,	Thomasson,
Chism,	Jefferson,	Triplett,
Chowning,	Johnson, D. B.	Wand,
Chrisman, G. T.	Karrick,	Weir,
Chrisman, M. T.	Kennedy, J.	Whaley,
Clarke,	Kennedy, W.	White, J.
Conklin,	Lykins,	White, D.
Conway,	Marshall, W. N.	Wolfe,
Cornish,	McCann,	Young—60.

Those who voted in the negative, were—

Messrs. Botts,	Kirtley,	Sanders,
Browder,	Lewis,	Swope,
Buford,	Marshall, W. C.	Thompson,
Chambers,	McKee,	Vance,
Forman,	Morgan,	Vawter,
Gaines,	Munday,	Wakefield,
Gilliam,	Nuttall,	Wickliffe, R.
Kinkead,	Rouse,	Wickliffe, R. L.-24

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Paxton—1. A bill for the benefit of George Jeans.

By Mr. Gaines—2. A bill for the benefit of the children of Susan and John Whip.

By Mr. Thompson—3. A bill to amend the law in relation to the compensation of Commissioners of tax.

By same—4. A bill to restrict the County Courts of this Commonwealth.

By Mr. Stone—5. A bill to amend the execution laws.

By Mr. Forman—6. A bill authorizing a sale of the ground adjoining the Locust Methodist Episcopal Church, in the county of Fleming.

By the committee on Internal Improvement—7. A bill to amend the charter and provide for the contractors on the Louisville and Elizabethtown turnpike road.

By Mr. Buford—8. A bill allowing one additional Justice of the Peace to the county of Laurel, and for other purposes.

By same—9. A bill to amend the law concerning the Goose creek turnpike road, in the counties of Clay and Laurel.

By Mr. J. Speed Smith—10. A bill for the benefit of William B. Graves and wife.

By Mr. Cornish—11. A bill to repeal an act, entitled, an act to amend an act to incorporate the towns of Harrodsburg and Danville, approved March 1, 1836.

By same—12. A bill to repeal all acts or parts of acts declaring Dix river a navigable stream, and for other purposes.

By Mr. Chism—13. A bill for the benefit of Leonard B. Johnson.

By Mr. R. L. Wickliffe—14. A bill for the benefit of Catharine Cotton, and the infant heir of Robert Cotton, deceased.

By Mr. Swope—15. A bill to allow an additional Constable to Pendleton county.

By Mr. Clark—16. A bill to change the times of holding the Circuit and County Courts of Simpson and Allen counties, and for other purposes.

By Mr. Petree—17. A bill to allow an additional Constable to the county of Todd.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills (except the 4th) having been dispensed with, the 1st, 2d, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th and 17th were severally ordered to be engrossed and read a third time, and the 3d and 5th were referred to the committee for Courts of Justice.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 6th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th and 16th bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Kinkead, from the select committee, made the following report, viz:

The select committee, to whom was referred the resolution, with instructions, to enquire into the expediency of enlarging and more fully protecting the rights of married women, have had the same under consideration, and beg leave to submit the following report:

All the variety of laws which now govern the Halls of Westminster, and of this country, on the interesting subject under consideration, spring out of a maxim which belongs emphatically to the common law, that by the marriage, the husband and wife—or to use the more discourteous terms of that law, the Baron and Feme—are one person. This unity of person involved along with it, at common law, the general principle, that the marriage was a gift or surrender, by the wife, into the hands of the husband, not of her person only, but of all of her estate which she then owned or might acquire during coverture. By the same law her very legal being was suspended or incorporated in his during his life. Her person was subject to his control and caprice, even to the extent of chastisement, and she was denominated and treated as his servant. Her real estate became his during their joint lives, and in case issue by the marriage was born alive—during his separate life. Nor had she any power to dispose of it at her death by last will and testament. By a form of law she might, during the marriage, dispossess herself of it entirely, and subject it to the disposal of her husband. Her personal estate became his, absolutely, and he might sell or dispose of it, along with his own, while he lived, or by last will and testament at his death; nor could she claim any portion of it if he did so. One right, and one alone,

that law secured to the wife, beyond the control or power of any one. If she survived her husband, she was entitled to one third of the lands of which he had been seized and possessed, during the coverture, to be held by her during life. This was denominated her dower. And the wisdom of this total annihilation of the legal rights and legal being of a married woman is made manifest in the old books by two reasons: the first, for the safety of the husband, that he may not be injured by any act of his wife without his concurrence and consent; the second, for the security of the wife, that she might be more securely guarded and better protected in her estate, against the influence of her husband, by being disabled from disposing of it without certain forms and solemnities which the law required for her protection.

These reasons, were we permitted to stop and enquire into them, would be found marked with that cautious and exacting selfishness, which, while they may find some apology in the times that gave them birth, are but too apt to distinguish the acts of the ruder portion of mankind. The first puts a perpetual and certain safeguard around the husband, from all injury, which might grow out of the indiscretions of the wife; the second leaves him the means of acquiring the whole of her estate, requiring little but the forms of law to perfect the conveyance.

These are the general principles of the law—the common law of England, on the relation of husband and wife. And the committee would approach, with becoming reverence any modesty, the code of laws touching the subject before them, which has been cannonized by time and received the sanction and approbation of men of both Hemispheres, of the most profound wisdom and the most extensive experience. They are aware that they may incur the charge of rashness and presumption in suggesting a change, which intimates an opinion of imperfection in this law, and of capacity on their part to improve it.

For the common law they acknowledge the deepest veneration and respect. It vindicates its wisdom in the affection with which it has been cherished by a free and cultivated people, through so many successive generations, and such variety of changes in commerce, in manners, and even in government itself. But whilst as a system they recognize their ignorance in the presence of its wisdom, they do not forget the many changes which have been made in its *parts*, since the days of the Plantaganets; and that the highest eulogy which its friends have wrought for it, is, that whilst its ancient features remain the same, it is yet of such capacity that it may be accommodated and moulded to the manners and the policy, to the wealth and improved condition, of the times and people among whom it may be adopted. And they find further apology, if further were needed, for the enquiry which has been set on foot, in the signal approbation which a slight departure from that law on the subject under consideration has met with from the people of Kentucky. And should experience show that a further departure would be of evil policy, and that a further extension and more secure protection of the rights of that portion of society who, by the indications of nature, by education and manners, are made dependent upon man, cannot be granted consistently with the safety and happiness of social life, the committee have the consolation of feeling that the evil they may produce willl be of short duration, and may, at any time, be wholly remedied.

What are the changes of the law of England, which have met the ap-

probation of the people of Kentucky, and in what does our law differ from theirs?

By the laws of Kentucky the personal disabilities of the wife are the same as in England. She is here, as there, the servant of a lord, subject to punishment for disobedience, incapable of holding property or making the smallest contract without the consent of her husband. Her legal existence is incorporated in his, and though, by our statutes, at his death, her rights are enlarged, yet, whilst he lives, they remain, in the general, as at common law. She can divest herself here, as there, and by an easier method, and with much less form and solemnity, of her lands. By our law she is entitled, as she was by the British, to a life estate in one third of the lands of which her husband was seized and possessed during the coverture; and her rights are enlarged by taking away all power of the husband to deprive her, by will, of one third of the slaves owned by him at his death, and one third of the personal estate—the slaves during her life, the personal estate absolutely.

The first question for our consideration was, does the method pointed out by our statute for the wife to divest herself of her lands, secure to her the protection it designs? The second was, should there be a further enlargement of her rights? And first, does the method pointed out by the statute for the wife to divest herself of her real estate, secure to her the protection it designs? The committee will content themselves, for the present, with the law touching dower in the husband's lands, and the mode by which she is permitted to relinquish it. They will confine themselves to the real estate owned by her, in her own right, at the date of the marriage, or afterwards acquired during the coverture. Let us refer to the statutes on this subject. They all contain the feature, that an examination of the wife, apart from her husband, by the Judge, or Justices, or Clerk, and her consent, that she has voluntarily made the deed relinquishing her estate, and that she is willing it may be recorded, is sufficient to pass the title. The one under which conveyances are generally acknowledged, is that of 1810, M. and B. Statute Law, 447. That statute empowers the Clerk of the county court to take the acknowledgment of the wife to a deed, by which she conveys away her estate upon the examination above alluded to, apart from her husband. The practical operation of these statutes shows the proceedings under them to be a mere farce, in which the wife is compelled to play her part. To every other purpose, in law, the wife is treated as having no will but the will of her husband. Nature and the marriage vow exact from her obedience as well as love to him. The daily habits and the daily pleasures of her life, are to fulfil these requirements. In all conflicts of opinion which arise in their social intercourse, hers have been accustomed to yield to his. The guidance he has furnished her in her embarrassments; the comfort and consolation he has given her in her afflictions; the protection he has afforded her under all circumstances, have accustomed her to take the suggestions of his mind as having the binding force of authority upon her will; while the pardoning spirit of her nature, that at a soft word from him to whom she had, in the spring time of her youth, surrendered her person and her affections, and who is the father of her children, obscures the harshest severity of his conduct, and makes her forget her own interest in the pleasure of acceeding to his wishes. Under these circumstances, is it not the idlest of all follies, and in the face of all observation, to suppose, that if there be any method by which the wife may divest herself of her lands, she will not, at the instiga-

tion of the husband, either through love or fear, do so? Can it be supposed, for an instant, that the examination of the wife, apart from her husband, as to whether she had freely and voluntarily signed the deed, (it may have been done in the presence of the husband,) by which she conveys away her estate, is any evidence whatever that she was acting with freedom? Does not her pride—than which she would rather sacrifice her life—does not that modesty and that sensibility with which (but when she makes a monster,) nature invests the sex, forbid her from retracting before the world, what she had been induced to do privately, and thus expose a domestic controversy which can terminate only in the common disgrace of their house? To the honor of human nature, and to the honor of the sex, such instances are of the rarest occurrence. Capricious they may be, and under prosperity, frivolous they oftentimes are, but when a sacrifice is to be made, either by passive endurance or active hardship to an object worthy of it, rarely have they been found to shrink from the demand; and if no other and more generous motives governed her, the respectability of her house would be of far more value than the largest dowry. And the committee think that they might safely make an appeal to the House, and to each member of it, whether they have ever known an instance, or if they are not singularly few, where the wife has retracted her signature under the examination of the officer. And does not this, of itself, prove that the design intended by the law is not accomplished, or are we to suppose that it is always to the benefit of the wife to be divested of her estate? Alas! the most painful experience and observation attests the contrary.

One of the avowed objects, (as the committee have already stated,) which the law has in view in taking away all legal existence from the wife during the marriage, is, that if she were permitted to retain it, she would be induced to exert it to her own injury.

It belongs to the rarest combination of genius and observation, and political experience, to pronounce, with certainty, that any law will operate according to the design of its framers, until after its practical operation shall have been tested. After this practical experiment has been made, a much inferior capacity can see its defects and amend them. It is by this process that laws are brought to the highest perfection to which man is capable of carrying them. Keeping his eye steadily fixed upon the desired object, which may be seen long before it can be reached, it is the duty of a Legislator to content himself with nothing short of the means which will bring him to it. Applying their reflections to the subject under consideration, and feeling assured that the object desired by the Legislature, when they passed the statute by which the wife could withhold her assent to the deed by which her estate was to be conveyed, has not been attained, the committee feel it their duty to recommend the passage of a law altering the mode by which a married woman can divest herself of her lands, owned by her at the marriage, or afterwards acquired during the coverture. Nor can they deem that she will be securely protected, but by being disabled of all power to consent to an alienation of her estate, except by the solemn proceedings of a suit in chancery, and a decree by the Chancellor to that effect. They recommend this as a mean of saving the wife, who has property, from being reduced to want, under all contingences, and at the same time, of securing the happiness and harmony which the marriage relation was instituted to increase, and of preventing that discord and confusion which must al-

ways ensue in the apparent rebellion of the wife who refuses to obey the wishes of her husband.

The committee suppose that a Chancellor would be a much more appropriate judge as to the propriety of her relinquishing her lands, than the wife of either a very tender and affectionate husband, or a very cruel and harsh one. Nor can the husband himself complain of the wife for not doing that which the law forbids her to do. The statute of Kentucky, in this respect, by seeming to favor the wife, is, in reality, placing her in a worse condition than she was by the English law. The object of both is to throw around her the protecting formalities of the law. The Kentucky statute almost wholly failed, in its practical application, to accomplish this. The English law still requires the suit in court, and the examination of the wife, apart from her husband, under the direction of the Judge.

No one can doubt that the seeming friendship of our law to the wife, is the most cruel enmity. And if, indeed, it be the serious object of the Legislature to secure to the wife her estate, so that it may not be squandered by a profligate husband, or lost by an unfortunate one, and herself and family reduced from affluence to poverty, or from comfort to want, (and surely such an object deserves and will command the serious consideration of this House,) then ought some alteration to be made, which, in all ordinary probability, will secure it. Nor, in doing this, can they feel that they are enlarging the rights of the wife beyond the intention of the Legislatures who have already acted on this subject and passed the laws referred to.

But the committee have had, also, under consideration, the question whether these rights ought to be enlarged. When the common law set apart to the wife, on the death of her husband, one third of the lands of which the husband had been seized and possessed during coverture, and secured to her also her own real estate of which she had not divested herself, it made much more ample provision for her, considering the state of society, and the character of the wealth of the country, than is made by our law with its enlargements. At that time the wealth of England consisted almost exclusively of lands. Commerce, or agriculture, or manufactures, had not yet flourished. And when the law gave to the husband all the personal estate of the wife, she might have had almost "a kingdom for her dowry," and her husband have been but little enriched by it, except in the number of retainers the lands brought along with them, and the trifling rent which they paid.

Now, the condition of things is wholly changed both there and here; and much of the wealth of both countries consists in movables, and in what the law denominates personalty. The wife, taking the aggregate of her wealth at the two periods to be the same, surrenders to her husband a much larger portion of it now than she then did. And the Legislature of Kentucky, as well as of most of the other States of the Union, acting from the changes which have taken place in the character of property, and with a view not to permit the interests of the wife to be diminished by this change, wisely amended the law affecting the personal estate at the death of the husband, and gave to her the third of the whole estate of which he was possessed at that time, and took away from him all power of disposing of it by last will and testament, so as to defeat the claim of the wife *except when by that instrument he emancipated his slaves.* But here again the interest of the wife is neglected by the power of the husband to sell or dispose of, during his life, at his own pleasure, the whole of the personal estate of the wife, in-

cluding the slaves she may have brought. And these, as was before suggested, he may emancipate, by will, saving no rights but the rights of creditors; and the courts have decreed that the wife is not one; so that, in truth, the rights of a married woman have not been enlarged. And in those savage, or to speak more properly, rude times, when men always wore their swords and kept them bright for use, and when to know how to read entitled them to the benefit of clergy, and often saved their heads, were enacted laws more liberal and generous for the weaker sex, than in the present, distinguished as it is in refinement, both in intellect and manners, beyond what the world has ever witnessed.

The committee are well aware that they will be met by the objection that a wise legislator will look to the condition of the society for which he is framing his laws. That he will prefer that the manners and forms, and the public opinion of social life, if they will do it, shall accomplish his object rather than any direct law; and that the subject under consideration is emphatically of that class of cases which ought to be left to society to establish the rules which should govern it, and that whether it be left so or not, public opinion will form its own laws without regard to, and even in defiance of, the law upon the statute book. While they acknowledge that due regard is to be given to these suggestions, in establishing a rule touching a subject on which they can be brought to act, the committee are yet fully sensible of the powerful influence which the laws of a country have in forming the manners and public opinion of any people. And they deem the interests involved too sacred to be left entirely to those impulses of our nature which contribute so largely to the formation of public opinion, and which are subject to the changes of a thousand contingencies.

Inasmuch then as the law, for many purposes, has made slaves to be regarded as real estate, your committee suggest the propriety of placing them, so far as husband and wife are concerned, on the same footing with lands, not to be owned by the husband or sold by him, except under the decree of a Chancellor, who shall use his discretion over the whole subject; and not to be taken by execution in satisfaction of the husband's debts. So that when the protecting and providing hands of the husband have been removed, she may be saved from the penury which, in every country, attests the personal labor of woman.

W. B. KINKEAD, *Chairman.*

Ordered, That the Public Printer forthwith print 150 copies of said report for the use of the members of the General Assembly.

Mr. Kinkead, from the same committee, reported a bill to enlarge and more fully protect the rights of married women—which was read the first time and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with, said bill was postponed to and made the special order of the day for Thursday next.

Ordered, That the Public Printer forthwith print 150 copies of said bill for the use of the members of the General Assembly.

And then the House adjourned.

MONDAY, FEBRUARY 14, 1842.

A message was received from the Senate announcing the passage of bills from this House of the following titles, viz:

An act to establish the county of Ballard.

An act for the benefit of the widow and heirs of George W. Hoy, dec'd.

An act concerning the Court of Appeals.

An act to change the terms of certain Circuit Courts in the 17th judicial district.

With amendments to the last named bill.

That they had passed bills of the following titles, viz:

An act for the benefit of Lud Fore.

An act allowing an addition Constable to Lawrence county, and for other purposes.

An act for the benefit of the female Academies of Nazareth and Loretto.

An act further to amend the charter of the Mechanics Savings' Institution of Louisville.

An act to amend an act, entitled, an act to appoint patroles in the Commonwealth of Kentucky.

On motion of Mr. Kinkead, leave was given to bring in a bill for the benefit of Margaret Long.

Ordered, That the committee on Religion prepare and bring in the same.

1. Mr. Morin presented the petition of Matilda Wood, praying to be divorced from her husband, George G. Wood.

2. Mr. Kinkead presented the petition of sundry citizens of Woodford county, praying that the title of a lot in Midway be confirmed to the Trustees of the church in said town.

3. Mr. Kirtley presented the petition of sundry citizens of Rockcastle county, praying the establishment of a Commonwealth's Bank.

4. Mr. Buford presented the petition of sundry citizens of Knox and Laurel counties, praying that a portion of the tolls collected at the Madison gate be applied to the improvement of the road called the Raccoon Chute.

Which were received, the reading thereof dispensed with, and referred—the 1st to the commitee on Religion; the 2d to the committee for Courts of Justice; the 3d to Messrs. Nuttall, Craddock, Barbour, Sanders, T. D. Brown, Triplett, Conklin, Bramlette and E. I. Bullock; and the 4th to the committee on Internal Improvement.

On motion of Mr. Todd, the House took up from the table the bill to re-

duce into one and digest and amend the acts and amendatory acts incorporating the city of Lexington.

On motion of Mr. Todd, the said bill was then amended.

Ordered, That said bill, as amended, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Craddock, from the select committee appointed to prepare and bring in the same, reported a bill to establish the Citizens Bank of Kentucky—which was read the first time and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Ordered, That said bill be postponed to and made the special order of the day for Friday next; and that the Public Printer forthwith print 500 copies of said bill for the use of the members of this House.

Mr. W. F. Bullock moved to take up from the orders of the day a resolution from the Senate for an adjournment of the General Assembly.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Chambers and Weir, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barbour,	Fletcher,	Petree,
Bramlette,	Flournoy,	Prewitt,
Browder,	Forman,	Rouse,
Brown, T. D.	Gholson,	Rumsey,
Buford,	Gilliam,	Skiles,
Bullock, W. F.	Graham,	Smith, B.
Busby,	Harrison,	Smither,
Carpenter,	Holbrook,	Stone,
Chambers,	Ireland,	Thompson,
Chism,	Jefferson,	Triplett,
Chowning,	Karrick,	Todd,
Chrisman, G. T.	Kennedy, W.	Vance,
Chrisman, M. T.	Kinkead,	Vawter,
Clarke,	Marshall, W. N.	Weir,
Coombs,	McKee,	Welch,
Cornish,	Morin,	Whaley,
Cox,	Noe,	White, J.
Craddock,	Owsley,	Wolfe,
Cummins,	Paxton,	Young—58.
Dixon,		

Those who voted in the negative, were—

Mr. Speaker,	Innes,	Taylor,
Messrs. Barnett,	Johnson, D. B.	Thomasson,
Bowman,	Kennedy, J.	Wakefield,
Brien,	Kirtley,	Wand,
Bullock, E. I.	Lykins,	White, D.
Carlisle,	Martin,	Wickliffe, R.
Conklin,	Morgan,	Wickliffe, R. L.
Conway,	Nuttall,	Wortham—26.
Hays,	Swope,	

The said resolution was then amended.

Ordered, That said resolution, as amended, be adopted.

Mr. Skiles, from the committee on Internal Improvement, to whom was referred a bill from the Senate, entitled: "An act to amend an act, entitled, an act to amend an act further to regulate the Board of Internal Improvement for the counties west of the Tennessee river, approved February 10, 1841"—reported the same without amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Mr. Fletcher moved to amend said bill by adding an engrossed clause by way of ryder.

Mr. Wortham then moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the affirmative.

The main question was then put—Shall the bill pass? and it was decided in the affirmative.

Resolved, That the title thereof be as aforesaid.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had approved and signed enrolled bills which originated in this House, of the following titles, viz:

An act for the benefit of the Clerk of the Garrard County Court.

An act for the benefit of Lewis Justice, David Ford, Isaac Taylor and Joshua Robinson.

An act to vacate a part of the town of Westport, and for other purposes.

An act to repeal an act to increase the powers of the Christian County Court, and for other purposes.

An act to amend the several acts incorporating the Henderson, Madisonville and Hopkinsville turnpike road company.

An act to establish a State road from Liberty, through Russell county, to Albany, in Clinton county.

An act to amend an act, entitled, an act appropriating six thousand acres

of land west of the Tennessee river for the erection of a bridge across Pitman's creek, in Green county.

An act for the benefit of the Clerk of the County Court of Fleming, and for other purposes.

An act to repeal an act, entitled, an act to reduce the number of Justices of the Peace in Anderson county, and for other purposes.

An act for the benefit of John Hockersmith.

An act to authorize the Trustees of the town of Lancaster to sell certain alleys in said town, and for other purposes.

An act to extend the bounds of the Constable's district in the town of Breathitt.

An act for the benefit of the Constable in the district of Sovreign Popplewell, a Justice of the Peace of Wayne county, and for other purposes.

An act to establish the county lines between the counties of Greenup, Carter and Lawrence.

An act to enlarge the Constable's district in the town of Monticello.

An act to establish an election precinct in Fleming county, and for other purposes.

An act to change the place of voting in certain election precincts in the counties of Lewis, Knox and Shelby.

An act to incorporate the Trustees of the Hardinsburg Methodist Episcopal Church and Masonic Hall.

An act to establish the county of Marshall.

Approved February 12, 1842.

Mr. Skiles, from the committee on Internal Improvement, reported a bill to provide for the settlement of claims of certain contractors—which was read the first time as follows, viz:

WHEREAS, Certain damages have occurred to the dams on Kentucky river while they were in progress of construction, which damages are said to be attributable in whole, or in part, by the accumulation of drift made by cutting the timber off the banks of said stream by order of the constituted authorities of the State, to the detriment and injury of several of the contractors at said dams—for remedy whereof,

Be it enacted, That the Board of Internal Improvement be, and they are hereby authorized to settle all claims for damages, as aforesaid, upon just and equitable principles: *Provided, however*, That no casualty or loss shall be allowed, except where the damage has accrued from casues for which the contractors could not be held responsible, or by the acts of the State authorities from the prosecution of other work not connected with the dam contracts, or anticipated by the contractors at the time of making the contracts.

Ordered, That said bill be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Mr. Clarke then moved to lay said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wand and R. Wickliffe, Jr., were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barbour,	Flournoy,	Noe,
Barnett,	Forman,	Paxton,
Bowman,	Gholson,	Petree,
Bramlette,	Graham,	Prewitt,
Brawner,	Harrison,	Rouse,
Brien,	Hays,	Smither,
Bullock, E. I.	Jefferson,	Stone,
Busby,	Johnson, D. B.	Taylor,
Carpenter,	Karrick,	Thompson,
Chism,	Kennedy, J.	Triplett,
Chrisman, M. T.	Kennedy, W.	Wakefield,
Clarke,	Lykins,	Wand,
Coombs,	Marshall, W. N.	Welch,
Conklin,	Martin,	Whaley,
Cummins,	Morgan,	White, J.
Drake,	Morin,	Wickliffe, R.—50.
Fletcher,	Munday,	

Those who voted in the negative, were—

Mr. Speaker,	Craddock,	Owsley,
Messrs. Botts,	Dixon,	Rumsey,
Browder,	Gaines,	Skiles,
Brown, J. S.	Garnett,	Smith, B.
Brown, T. D.	Gilliam,	Smith, J. Speed
Buford,	Holbrook,	Swope,
Bullock, W. F.	Innes,	Todd,
Carlisle,	Ireland,	Vance,
Chambers,	Kinkead,	Vawter,
Chowning,	Kirtley,	Weir,
Chrisman, G. T.	Lewis,	White, D.
Conway,	Marshall, W. C.	Wickliffe, R. L.
Cornish,	McKee,	Wolfe,
Cox,	Nuttall,	Young—42.

Mr. W. Kennedy, from the joint committee on Enrollments, reported that the committee had examined sundry enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of the widow and heirs of George W. Hoy, dec'd.

An act concerning the Court of Appeals.

An act to establish the county of Ballard.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Kennedy inform the Senate thereof.

Mr. Vance moved the following resolution, viz:

Resolved, That hereafter this House will take a recess from one o'clock until three in each day, and that the Speaker announce the recess at the hour of one o'olock, P. M.

Which being twice read was adopted.

On motion of Mr. R. L. Wickliffe, leave was given to bring in a bill to regulate the local Boards on the different turnpike roads in this Commonwealth.

Ordered, That Messrs. R. L. Wickliffe, Craddock and Owsley prepare and bring in the same.

Mr. E. I. Bullock, from the committee to whom was referred the communication of the President of the Board of Internal Improvement in relation to the obstructions at Lock No. 4, on the Kentucky river, reported a bill for the removal of obstructions in the navigable streams in this Commonwealth—which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Mr. R. Wickliffe moved an amendment to said bill.

Mr. Craddock then moved an amendment to the amendment of Mr. Wickliffe.

On motion of Mr. J. Speed Smith,

Ordered, That said bill and amendments be re-committed to the same committee, with instructions to report the same to the House on to-morrow morning.

The following bills were reported by the committee on Internal Improvement, viz:

A bill for the benefit of William and Jacob Luce.

A bill for the benefit of Thomas Hagins, and for other purposes.

A bill to establish a State road from the Ohio river to Albany, in Clinton county.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Skiles, from the same committee, read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Board of Internal Improvement be directed to make an equitable reduction in the tolls charged on flatboats at the various *locks on* Green and

Barren rivers, which descend from points so far above the influence of slack water navigation as to be but little benefited by said improvements.

The rule requiring joint resolutions to lie one day on the table having been dispensed with,

Mr. R. Wickliffe, Jr., moved the following amendment as a substitute for said resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That no flatboat, keelboat, or other raft or craft not propelled by steam, which may descend the Kentucky, Licking, Green or Barren rivers, from a point beyond that to which the slackwater navigation extends, shall be charged any toll for passing through the locks and dams on said rivers.

Mr. Fletcher then moved to lay said resolution and amendment on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. McKee and R. Wickliffe, Jr., were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Brien,	Fletcher,	Swope,
Brown, J. S.	Flournoy,	Thompson,
Chism,	Holbrook,	Wickliffe, R. L.—9

Those who voted in the negative, were—

Mr. Speaker,	Cummins,	Noe,
Messrs. Barbour,	Dixon,	Paxton,
Barnett,	Drake,	Prewitt,
Bowman,	Forman,	Rouse,
Bramlette,	Gaines,	Rumsey,
Brawner,	Garnett,	Smith, B.
Browder,	Gholson,	Smither,
Brown, T. D.	Gilliam,	Stone,
Buford,	Graham,	Thomasson,
Bullock, E. I.	Harrison,	Triplett,
Bullock, W. F.	Hays,	Todd,
Busby,	Innes,	Vance,
Carlisle,	Ireland,	Vawter,
Carpenter,	Jefferson,	Wakefield,
Chambers,	Johnson, D. B.	Wand,
Chowning,	Karrick,	Weir,
Chrisman, G. T.	Kennedy, J.	Welch,
Chrisman, M. T.	Kennedy, W.	Whaley,
Clarke,	Kirtley,	White, D.
Coombs,	Lykins,	White, J.
Conklin,	Marshall, W. C.	Wickliffe, R.
Conway,	Marshall, W. N.	Wolfe,
Cornish,	McKee,	Wortham,
Cox,	Morin,	Young—75.
Craddock,	Munday,	

Mr. Holbrook moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the negative.

The yeas and nays being required thereon by Messrs. M. T. Chrisman and Chambers, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Browder,	Fletcher,	Owsley,
Brown, J. S.	Flournoy,	Prewitt,
Bullock, E. I.	Forman,	Skiles,
Bullock, W. F.	Garnett,	Smith, B.
Carlisle,	Gilliam,	Swope,
Carpenter,	Harrison,	Taylor,
Chambers,	Holbrook,	Thomasson,
Chism,	Innes,	Thompson,
Chrisman, M. T.	Ireland,	Triplett,
Coombs,	Jefferson,	Vawter,
Conklin,	Kennedy, W.	Wakefield,
Cox,	Marshall, W. C.	Welch,
Dixon,	Nuttall,	Wolfe—39.

Those who voted in the negative, were—

Mr. Speaker,	Gholson,	Paxton,
Messrs. Barnett,	Graham,	Rouse,
Bowman,	Hays,	Rumsey,
Bramlette,	Johnson, D. B.	Smith, J. Speed
Brien,	Johnson, R. M.	Smither,
Brown, T. D.	Karrick,	Stone,
Buford,	Kennedy, J.	Todd,
Busby,	Kinkead,	Vance,
Chowning,	Kirtley,	Weir,
Chrisman, G. T.	Lykins,	Whaley,
Clarke,	Marshall, W. N.	White, D.
Cornish,	McKee,	White, J.
Craddock,	Martin,	Wickliffe, R.
Cummins,	Morgan,	Wickliffe, R. L.
Drake,	Morin,	Wortham,
Gaines,	Munday,	Young—48.

Mr. Chambers then moved the following amendment, as a substitute for the amendment proposed by Mr. Wickliffe, viz:

That no flatboat descending any of the rivers of Kentucky improved by locks and dams, shall be charged any toll; but the same shall pass free of toll through all the locks on said river.

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon by Messrs. W. F. Bullock and J. S. Brown, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bullock, E. I.	Cox,	Johnson, D. B.
Bullock, W. F.	Dixon,	Triplett,
Chambers,	Gaines,	Wakefield,
Chism,	Gilliam,	Weir,
Chrisman, M. T.	Jefferson,	Wickliffe, R. L.16
Coombs,		

Those who voted in the negative, were—

Mr. Speaker,	Garnett,	Paxton,
Messrs. Barbour,	Gholson,	Prewitt,
Barnett,	Graham,	Rouse,
Bowman,	Harrison,	Rumsey,
Bramlette,	Hays,	Skiles,
Brien,	Holbrook,	Smith, B.
Browder,	Innes,	Smith, J. Speed
Brown, J. S.	Ireland,	Smither,
Brown, T. D.	Johnson, R. M.	Stone,
Buford,	Karrick,	Swope,
Busby,	Kennedy, J.	Taylor,
Carlisle,	Kennedy, W.	Thomasson,
Carpenter,	Kinkead,	Thompson,
Chowning,	Kirtley,	Todd,
Chrisman, G. T.	Lykins,	Vance,
Clarke,	Marshall, W. C.	Vawter,
Conklin,	Marshall, W. N.	Welch,
Cornish,	McKee,	Whaley,
Craddock,	Martin,	White, D.
Cummins,	Morgan,	White, J.
Drake,	Morin,	Wickliffe, R.
Fletcher,	Munday,	Wortham,
Flournoy,	Nuttall,	Young—71.
Forman,	Owsley,	

The question was then taken on the adoption of the amendment proposed by Mr. R. Wickliffe, Jr., and decided in the negative.

The yeas and nays being required thereon by Messrs. R. Wickliffe, Jr., and Busby, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barnett,	Gholson,	Munday,
Bowman,	Graham,	Paxton,
Buford,	Hays,	Rouse,
Carpenter,	Karrick,	Stone,
Chrisman, G. T.	Kinkead,	Vance,
Clarke,	Kirtley,	Whaley,
Coombs,	Lykins,	White, D.
Cornish,	Marshall, W. N.	White, J.
Craddock,	McKee,	Wickliffe, R.

Cummins,	Martin,	Wickliffe, R. L.
Drake,	Morgan,	Young—35.
Gaines,	Morin,	

Those who voted in the negative, were—

Mr. Speaker,	Dixon,	Prewitt,
Messrs. Barbour,	Fletcher,	Rumsey,
Bramlette,	Flournoy,	Skiles,
Brien,	Forman,	Smith, B.
Browder,	Garnett,	Smith, J. Speed
Brown, J. S.	Gilliam,	Smither,
Brown, T. D.	Harrison,	Swope,
Bullock, E. I.	Holbrook,	Taylor,
Bullock, W. F.	Innes,	Thomasson,
Busby,	Ireland,	Thompson,
Carlisle,	Jefferson,	Triplett,
Chambers,	Johnson, D. B.	Todd,
Chism,	Johnson, R. M.	Vawter,
Chowning,	Kennedy, J.	Wakefield,
Chrisman, M. T.	Kennedy, W.	Weir,
Conklin,	Marshall, W. C.	Welch,
Conway,	Nuttall,	Wolfe,
Cox,	Owsley,	Wortham—54.

Mr. W. F. Bullock then moved to amend said resolution by inserting after the words, "locks on," the following words—"Licking, Kentucky."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Munday and McKee, were as follows:

Those who voted in the affirmative, were—

Mr. Speaker,	Fletcher,	Prewitt,
Messrs. Barbour,	Flournoy,	Rouse,
Barnett,	Forman,	Rumsey,
Bowman,	Gaines,	Skiles,
Bramlette,	Garnett,	Smith, B.
Brien,	Gilliam,	Smith, J. Speed
Browder,	Graham,	Stone,
Brown, J. S.	Harrison,	Smither,
Brown, T. D.	Holbrook,	Swope,
Buford,	Innes,	Taylor,
Bullock, E. I.	Ireland,	Thomasson,
Bullock, W. F.	Jefferson,	Thompson,
Busby,	Johnson, D. B.	Triplett,
Carlisle,	Johnson, R. M.	Todd,
Carpenter,	Karrick,	Vance,
Chambers,	Kennedy, J.	Vawter,
Chism,	Kennedy, W.	Wakefield,
Chowning,	Kinkead,	Weir,

Chrisman, G. T.	Kirtley,	Welch,
Clarke,	Marshall, W. C.	Whaley,
Coombs,	Marshall, W. N.	White, D.
Conklin,	Martin,	White, J.
Conway,	Morgan,	Wickliffe, R.
Cornish,	Morin,	Wickliffe, R. L.
Cox,	Nuttall,	Wolfe,
Craddock,	Owsley,	Wortham,
Cummins,	Paxton,	Young.—82.
Dixon,		

Those who voted in the negative, were—

Messrs. Chrisman, M. T.	Hays,	McKee,
Drake,	Lykins,	Munday—6.

Mr. McKee then moved to lay said resolution, as amended, on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Munday and E. I. Bullock, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bramlette,	Cornish,	Lykins,
Brien,	Drake,	McKee,
Bullock, E. I.	Fletcher,	Munday,
Chrisman, G. T.	Gilliam,	Smither,
Chrisman, M. T.	Hays,	Wortham—15.

Those who voted in the negative were—

Mr. Speaker,	Gaines,	Rouse,
Messrs. Barbour,	Garnett,	Rumsey,
Barnett,	Graham,	Skiles,
Bowman,	Harrison,	Smith, B.
Browder,	Holbrook,	Smith, J. Speed
Brown, J. S.	Innes,	Stone,
Brown, T. D.	Ireland,	Swope,
Buford,	Jefferson,	Taylor,
Bullock, W. F.	Johnson, D. B.	Thomasson,
Busby,	Johnson, R. M.	Thompson,
Carlisle,	Karrick,	Triplett,
Carpenter,	Kennedy, J.	Todd,
Chambers,	Kinkead,	Vance,
Chism,	Kirtley,	Vawter,
Chowning,	Marshall, W. C.	Wakefield,
Clarke,	Marshall, W. N.	Weir,
Coombs,	Martin,	Welch,
Conklin,	Morgan,	Whaley,
Conway,	Morin,	White, D.
Cox,	Noe,	White, J.

Craddock,	Nuttall,	Wickliffe, R. Jr.
Cummins,	Owsley,	Wickliffe, R. L.
Dixon,	Paxton,	Wolfe,
Flournoy,	Prewitt,	Young—73.
Forman,		

The question was then taken on the adoption of the resolution, as amended, and decided in the affirmative.

Then the House adjourned.

TUESDAY, FEBRUARY 15, 1842.

A message was received from the Senate announcing their concurrence in the amendments proposed by this House to bills from that, of the following titles, viz:

An act to amend the law relating to pedlars.

An act amending the act authorizing the Clarke County Court to appoint a Treasurer, approved February 20, 1839.

That they had disagreed to a bill from this House, entitled, an act for the benefit of W. and A. Cooper.

That they had passed bills from this House of the following titles, viz:

An act to establish the county of Boyle, and for other purposes.

An act to authorize the County Court of Daviess to change the location of a State road.

An act to allow an additional Constable to the county of Todd.

An act changing the time of holding the Trimble County Court.

That they had passed bills of the following titles, viz:

An act to amend an act to allow the Independent Banks of this Commonwealth further time to settle their concerns.

An act for the benefit of the common schools in Franklin county.

An act to amend an act, entitled, an act appointing Commissioners to lay off and mark a State road from Harrodsburg to Smithland, in the county of Livingston, approved February 9, 1828.

An act concerning the Maysville and Mt. Sterling turnpike road.

An act for the benefit of the infant heirs of Tabitha Gooch, dec'd.

An act for the benefit of Richard T. and John H. Allison.

An act for the benefit of the widow and heirs of John T. Langhorne, deceased.

An act for the benefit of Harrison Rankins and wife and children.

That they had received official information from the Governor that he had approved and signed enrolled bills which originated in the Senate, of the following titles, viz:

An act for the benefit of the widow and heirs of Asa Pittman, dec'd, and James Frazer.

An act to allow John Fonda to adopt his nephew, John Edwin Blumenthal, as his son.

An act to amend the charter of the city of Maysville.

An act for the benefit of Christopher A. Rudd's widow and children.

An act for the benefit of Andrew J. Jaines.

An act for the benefit of the heirs and legal representatives of John Hall and Jacob Castleman.

An act allowing additional Constables in the counties of Spencer and Muhlenburg. Approved February 12, 1842.

An act concerning the 17th judicial district.

Approved February 14, 1842.

1. Mr. Conklin presented the petition of sundry citizens of Grayson county, praying for an additional Justice of the Peace.

2. Mr. Wakefield presented the petition of John McDonald, praying for additional compensation for distributing the acts, &c. of the General Assembly.

3. Mr. Chism presented the petition of sundry citizens of Monroe county, praying a change in the time of holding the County Courts.

4. Mr. Vance presented the memorial of the citizens of Portland, or 8th ward of Louisville, in relation to their being stricken from the city of Louisville.

5. Also, the petition of certain property holders in said ward, praying to be stricken from Louisville.

6. Mr. J. S. Brown presented the petition of sundry citizens of Owen county, praying the establishment of a Commonwealth's Bank.

Which were received, the reading thereof dispensed with, and referred—the 1st to Messrs. Conklin, T. D. Brown and Craddock; the 2d to the committee on Claims; the 3d to Messrs. Chism, Garnett, Carpenter and Bramlette; the 4th and 5th to the commitee on Propositions and Grievances; and and the 6th was laid on the table.

Mr. Fletcher moved the following resolutions, viz:

1. *Resolved*, That the Board of Internal Improvement be directed to report to this House, as soon as practicable, the amount of expenses, or other extra allowances beyond salaries, paid to the Board, Engineers or other agents witnin the past year, giving the account of each in detail as presented to the Board, and the amount subsequently allowed by the Board.

2. *Resolved further*, That the Board of Internal Improvement be instruct-

ed to report to this House what amount of bonds, if any, have been drawn from the Treasury by requisition of the Board and sold, or authorized by them to be sold, for less than their par value; and if so, in whose favour have such requisitions been drawn, and for what purpose applied.

Which being twice read was adopted.

On motion of Mr. Clarke, leave was given to bring in a bill authorizing changes of venue from the Appellate to the Circuit Court, in cases relating to the probate of wills.

Ordered, That Messrs. Clarke, McKee and Hays prepare and bring in the same.

The following bills were reported by the committee on Internal Improvement, viz:

A bill concerning the roads in Campbell county.

A bill to amend the road law in Kenton county.

A bill to amend an act, entitled, an act to establish a State road from Landing, in Boone county, to intersect the Lexington and Covington turnpike road, approved January 29, 1836.

A bill to amend the law concerning public roads.

A bill for the benefit of A. Rawlings.

A bill for the benefit of Richard Cundiffe, Sr.

A bill authorizing the County Court of Floyd to change the State road leading from Mt. Sterling to the Virginia line.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of said bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Skiles, from the same committee, reported a bill for the erection of a bridge across Main Eagle creek—which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Mr. Chambers then moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the affirmative.

The main question was then put—Shall the bill be engrossed and read a third time? and it was decided in the negative; and so the said bill was rejected.

Mr. E. I. Bullock moved a reconsideration of the vote, laying on the table until the first day of June next, a bill to provide for the settlement of the claims of certain contractors.

And the question being taken thereon, it was decided in the affirmative.

Ordered, That said bill be re-committed to the committee on Internal Improvement, with instructions to report specifically upon the memorial of Raush and Farquharson by bill or otherwise.

Mr. Buford, from the committee on Internal Improvement, reported a bill for the benefit of the contractors on the Crab Orchard and Cumberland Gap turnpike road—which was read the first time, as follows, viz:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Board of Internal Improvement be, and they are hereby authorized and directed to settle with the contractors on the Crab Orchard and Cumberland Gap turnpike road, upon equitable principles, allowing them a just compensation for work and labour already done upon said roads, according to their contracts, and without requiring the payment of the stock subscribed by individuals.

Sec. 2. *Be it further enacted*, That said payment shall be made out the of the fund set apart for Internal Improvement.

Ordered, That said bill be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. Fletcher and W. F. Bullock, were as follows:

Those who voted in the affirmative, were—

Mr. Speaker,	Garnett,	Nuttall,
Messrs. Basye,	Gholson,	Owsley,
Botts,	Gilliam,	Petree,
Bowman,	Graham,	Prewitt,
Brawner,	Hays,	Rouse,
Browder,	Holbrook,	Sanders,
Brown, J. S.	Innes,	Skiles,
Brown, T. D.	Ireland,	Smith, B.
Buford,	Jefferson,	Smith, J. Speed
Bullock, W. F.	Johnson, R. M.	Stone,
Carlisle,	Karrick,	Swope,
Carpenter,	Kennedy, J.	Thomasson,
Chowning,	Kennedy, W.	Todd,
Chrisman, G. T.	Kinkead,	Vance,
Coombs,	Lewis,	Vawter,
Cox,	Marshall, W. C.	Wakefield,
Cummins,	McKee,	Whaley,
Drake,	Martin,	White, D.
Fible,	Morin,	Wolfe,
Forman,	Munday,	Young—60.

Those who voted in the negative, were—

Messrs. Barbour,	Cornish,	Paxton,
Barnett,	Fletcher,	Rumsey,
Bramlette,	Flournoy,	Taylor,
Brien,	Gaines,	Triplett,
Bullock, E. I.	Harrison,	Wand,
Busby,	Johnson, D. B.	Weir,
Chism,	Lykins,	Welch,
Chrisman, M. T.	Marshall, W. N.	White, J.
Clarke,	McCann,	Wickliffe, R.
Conklin,	Morgan,	Wickliffe, R. L.-32
Conway,	Noe,	

Resolved, That the title thereof be as aforesaid.

Mr. Buford, from the same committee, reported a bill for the improvement of the Crab Orchard and Cumberland Gap turnpike road—which was read the first time, and ordered to be read a second time.

Mr. E. I. Bullock, from the select committee to whom was referred the bill to provide for the removal of obstructions in the navigable streams of this Commonwealth, and the amendments proposed thereto—reported the same, with an amendment, as a substitute for the bill, which was concurred in.

Mr. Craddock then moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the negative.

The yeas and nays being required thereon by Messrs. McKee and Martin, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barnett,	Flournoy,	Paxton,
Botts,	Forman,	Prewitt,
Bowman,	Garnett,	Rouse,
Bramlette,	Graham,	Skiles,
Brawner,	Holbrook,	Smith, B.
Bullock, E. I.	Ireland,	Smith, J. Speed
Carlisle,	Jefferson,	Smither,
Chambers,	Johnson, D. B.	Swope,
Chism,	Kennedy, J.	Thomasson,
Clarke,	Marshall, W. C.	Thompson,
Coombs,	Marshall, W. N.	Vawter,
Conklin,	McCann,	Wakefield,
Craddock,	Morin,	Wand,
Cummins,	Nuttall,	Young—44.
Fible,	Owsley,	

Those who voted in the negative, were—

Messrs. Barbour,	Gholson,	Rumsey,
Brien,	Gilliam,	Sanders,
Browder,	Hays,	Stone,
Brown, J. S.	Innes,	Taylor,
Brown, T. D.	Johnson, R. M.	Triplett,
Buford,	Karrick,	Todd,
Bullock, W. F.	Kinkead,	Vance,
Busby,	Kirtley,	Weir,
Chowning,	Lewis,	Welch,
Chrisman, G. T.	Lykins,	Whaley,
Chrisman, M. T.	McKee,	White, D.
Conway,	Martin,	White, J.
Cornish,	Morgan,	Wickliffe, R.
Cox,	Munday,	Wickliffe, R. L.
Drake,	Noe,	Wolfe,
Fletcher,	Petree,	Wortham—49.
Gaines,		

Mr. Fletcher then moved to amend said bill by adding thereto the following section, viz:

That the Board of Internal Improvement in removing the steamboat New Argo, shall not do any damage to said boat, by which the owner or owners thereof shall forfeit the insurance on said boat, or sustain any loss whatever by such removal.

Mr. Dixon then moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Fletcher and Conklin, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barbour,	Flournoy,	Petree,
Basye,	Forman,	Prewitt,
Botts,	Garnett,	Rouse,
Bowman,	Gholson,	Rumsey,
Bramlette,	Gilliam,	Sanders,
Brawner,	Graham,	Skiles,
Browder,	Hays,	Smith, B.
Brown, J. S.	Holbrook,	Smith, J. Speed
Brown, T. D.	Innes,	Smither,
Bullock, E. I.	Ireland,	Stone,
Bullock, W. F.	Jefferson,	Swope,
Busby,	Johnson, D. B.	Taylor,
Carlisle,	Johnson, R. M.	Thomasson,
Chambers,	Karrick,	Thompson,
Chism,	Kennedy, J.	Triplett,
Chowning,	Kennedy, W.	Todd,
Chrisman, G. T.	Kirtley,	Vance,

Chrisman, M. T.	Lewis,	Vawter,
Clarke,	Marshall, W. C.	Wakefield,
Coombs,	McCann,	Wand,
Conklin,	Morgan,	Weir,
Cornish,	Morin,	Welch,
Cox,	Noe,	Whaley,
Cummins,	Nuttall,	White, J.
Dixon,	Owsley,	Wolfe,
Fible,	Paxton,	Young—78.

Those who voted in the negative, were—

Messrs. Barnett,	Gaines,	Martin,
Brien,	Harrison,	Munday,
Buford,	Kinkead,	White, D.
Conway,	Lykins,	Wickliffe, R.
Craddock,	Marshall, W. N.	Wickliffe, R. L.
Drake,	McKee,	Wortham—19.
Fletcher,		

The question was then put—Shall the bill be engrossed and read a third time? and it was decided in the affirmative.

Mr. Nuttall moved that said bill have its third reading on this day, and it was decided in the affirmative.

The said bill was accordingly read a third time.

Resolved, That said bill do pass, and that the title thereof be amended to read as follows: "An act to provide for the removal of the steamboat New Argo, sunk in Kentucky river.

Mr. Flournoy, from the joint committee on Enrollments, reported that the committee had examined an enrolled bill from this House, entitled, an act to establish the county of Boyle.

And enrolled bills from the Senate of the following titles:

An act amending the act authorizing the Clarke County Court to appoint a Treasurer, approved February 20, 1839, and for other purposes.

An act to amend the law relating to pedlars.

An act for the benefit of Anderson Wade.

An act authorizing Joel P. Williams and others to sell a certain church in Harrodsburg.

An act for the benefit of Paulina G. Rodes and her children.

An act for the benefit of the Preachers' Aid Society of the Kentucky Conference.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Flournoy inform the Senate thereof.

Bills from the Senate of the following titles, viz:

An act for the benefit of John S. Bush.

An act for the benefit of Mary Hall and her children.

An act concerning the action of replevin.

An act concerning bills of exchange.

An act concerning the payment of taxes on non-resident lands, and for other purposes.

Were read a third time.

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the bill from the Senate, entitled, an act for the benefit of William B. Bunlap, be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A bill from the Senate, entitled, an act to allow three additional Constables to Spencer county, was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

On motion of Mr. Lykins,

Ordered, That said bill be amended.

Ordered, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be amended to read as follows: "An act to allow three additional Constables to Spencer county, and for other purposes."

Bills from the Senate of the following titles, viz:

1. An act for the divorce of William Fenwick.
2. An act for the benefit of James J. Wood, Coroner of Spencer county.
3. An act for the benefit of Charles B. May, Surveyor of Spencer county.
4. An act for the benefit of George W. Bush and others.
5. An act for the benefit of the heirs, legal representatives and securities of George A. M. Elder.
6. An act for the benefit of Benjamin Doom and Jonathan Simpson.
7. An act granting a change of venue to John Hughes.
8. An act to incorporate the Trustees of the Parsonage of the Mt. Sterling circuit of the Methodist Episcopal Church.
9. An act to amend the laws exempting certain property from execution.
10. An act for the benefit of Beverly Megary.
11. An act to establish the true line between Franklin and Scott counties.
12. An act for the benefit of the heirs of John Nichols, Jr., dec'd.

13. An act for the benefit of Jacob Mays, late Clerk of Floyd Circuit Court.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with—the 1st was referred to the committee on Religion; the 2d, 7th, 9th and 12th to the committee for Courts of Justice; the 3d, 5th, 6th, 8th and 13th were severally ordered to be read a third time; the 10th to the committee on Ways and Means; the 11th to the committee on Propositions and Grievances; and the 4th to the committee on Military Affairs.

The rule of the House, constitutional provision and third reading of the 3d, 5th, 6th, 8th and 13th bills having been dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A bill from the Senate, entitled, an act to incorporate the Funk Seminary, was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Mr. R. Wickliffe, Jr., moved to amend said bill, by adding thereto the following section, viz:

That the same privilege of loaning money at ten per cent. per annum, be extended to Transylvania University, and all other chartered literary institutions in this Commonwealth.

And the question being taken on adopting said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. R. Wickliffe, Jr., and W. C. Marshall were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barbour,
Barnett,
Basye,
Bowman,
Bramlette,
Brawner,
Brown, T. D.
Chowning,
Clarke,
Coombs,
Cummins,
Drake,
Flournoy,
Gaines,
Gilliam,
Graham,
Harrison,
Hays,
Ireland,
Johnson, D. B.
Karrick,
Kennedy, J.
Kirtley,
Lykins,
Marshall, W. C.
Marshall, W. N.
McCann,
McKee,
Morin,
Noe,
Paxton,
Prewitt,
Rumsey,
Smither,
Todd,
Weir,
White, D.
Wickliffe, R. L.—38

Those who voted in the negative, were—

Mr. Speaker,	Craddock,	Swope,
Messrs. Botts,	Fible,	Taylor,
Brien,	Holbrook,	Thomasson,
Brown, J. S.	Innes,	Thompson,
Buford,	Johnson, R. M.	Vance,
Bullock, E. I.	Martin,	Vawter,
Bullock, W. F.	Morgan,	Wakefield,
Carlisle,	Munday,	Wand,
Chambers,	Nuttall,	Welch,
Chism,	Owsley,	Whaley,
Chrisman, G. T.	Rouse,	White, J.
Chrisman, M. T.	Sanders,	Wickliffe, R.
Conklin,	Skiles,	Wolfe,
Cornish,	Smith, B.	Young—44.
Cox,	Smith, J. Speed	

Mr. Nuttall then moved to amend said bill by striking out the words "ten per cent. per annum," and in insert "six per cent. per annum."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Barbour and Busby, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Craddock,	Paxton,
Messrs. Barbour,	Cummins,	Petree,
Barnett,	Drake,	Rumsey,
Botts,	Flournoy,	Sanders,
Bowman,	Garnett,	Smith, B.
Bramlette,	Gholson,	Smith, J. Speed
Brawner,	Hays,	Smither,
Brien,	Innes,	Stone,
Browder,	Ireland,	Taylor,
Brown, J. S.	Jefferson,	Thompson,
Bullock, E. I.	Johnson, R. M.	Todd,
Busby,	Karrick,	Vance,
Chism,	Lykins,	Vawter,
Chowning,	Marshall, W. N.	Wand,
Chrisman, G. T.	McCann,	Welch,
Chrisman, M. T.	Morgan,	White, D.
Clarke,	Munday,	White, J.
Coombs,	Noe,	Wickliffe, R.
Conklin,	Nuttall,	Wickliffe, R. L.
Cornish,	Owsley,	Young—61.
Cox,		

Those who voted in the negative, were—

Messrs. Basye,	Holbrook,	Rouse,
Brown, T. D.	Johnson, D. B.	Skiles,
Buford,	Kennedy, J.	Swope,

Chambers,	Kirtley,	Thomasson,
Dixon,	Lewis,	Triplett,
Fible,	Marshall, W. C.	Wakefield,
Fletcher,	McKee,	Weir,
Gaines,	Morin,	Whaley,
Gilliam,	Prewitt,	Wolfe—27.

Ordered, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. J. Speed Smith moved a reconsideration of the vote laying on the table for the present the preamble and resolutions proposed by Mr. Martin on Saturday last.

And the question being taken thereon, it was decided in the affirmative.

On motion of Mr. McKee,

Ordered, That said preamble and resolutions, and the preamble and resolution proposed by Mr. J. Kennedy on Saturday last, and the resolution read and laid on the table on Saturday last by Mr. McKee, be postponed to, and made the special order of the day for Monday next.

A bill from the Senate, entitled, an act to authorize the County Court of Morgan county to straighten the State road, was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

The said bill was, on the motion of Mr. Lykins, amended.

Ordered, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A bill from the Senate, entitled, an act for the benefit of the Sheriff of Carter County—was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Mr. E. I. Bullock moved an amendment to said bill, which was adopted.

Ordered, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be amended to read: "An act for the benefit of the Sheriffs of Carter and Russell counties."

And then the House adjourned.

WEDNESDAY, FEBRUARY 16, 1842.

A message was received from the Senate announcing the passage of bills from this House of the following titles, viz:

An act to amend an act supplementary to an act, entitled, an act to improve the navigation of Nolin, approved February 20, 1835.

An act for the benefit of Lucy B. Green.

An act for the benefit of Nancy Ford.

An act authorizing a change of venue in the case of the Commonwealth against Richard Singleton.

An act allowing additional Justices of the Peace to the counties of Mason and Wayne.

An act to incorporate the Paducah Baptist Church.

An act to incorporate the Paducah Methodist Episcopal Church.

An act authorizing the sale of the ground adjoining the Locust Methodist Episcopal Church in the county of Fleming.

An act allowing one additional Justice of the Peace to Laurel county, and for other purposes.

An act to amend the law concerning the Goose creek turnpike road in the counties of Clay and Laurel.

An act to repeal all acts or parts of acts declaring Dix river a navigable stream, and for other purposes.

An act to allow an additional Constable to Pendleton county.

An act to incorporate the town of Independence in the county of Kenton.

With an amendment to the last named bill.

That they had passed bills of the following titles, viz:

An act granting a change of venue to Vardeman Faris.

An act in relation to free negroes and mulattoes.

An act for the divorce of Elisha Weller.

An act concerning turnpike roads in this Commonwealth.

1. Mr. Sanders presented the petition of Susannah Wragg, praying to be divorced from her husband, Benjamin F. Wragg.

2. Mr. Flournoy presented the petition of sundry citizens of Princeton, praying the passage of an act requiring the school commissioners to hold another election in that district.

3. Mr. Gaines presented the petition of sundry citizens of Anderson county, praying that the Board of Internal Improvement be dispensed with, and that M. R. Stealey be appointed to control the public works.

4. Mr. Vance presented the petition of sundry citizens of Portland, praying that the same be disconnected with the city of Louisville.

5. Mr. Holbrook presented the petition of sundry citizens of Greenup county, praying to be stricken therefrom and added to Carter county.

6. Mr. Fible presented the petition of sundry citizens of Oldham county, praying the passage of a law providing for the confinement of runaway slaves in the jail at Westport in said county.

7. Also, the remonstrance of sundry citizens of said county, against the the prayer of said petition.

8. Mr. R. Wickliffe, Jr., presented the petition of the remaining members of the Lutheran Community in Lexington, praying the passage of a law confirming a lease made by them of their lot of ground to the Methodist Episcopal Church.

Which petitions and remonstrance were severally received, the reading thereof dispensed with, and referred, (except the 3d, which was laid on the table,)—the 1st to the committee on Religion; the 4th, 5th, 6th and 7th to the committee on Propositions and Grievances; and the 8th to the committee for Courts of Justice.

Mr. Nuttall moved a reconsideration of the vote referring to the committee for Courts of Justice, a bill from the Senate, entitled, an act granting a change of venue to John Hughes.

And the question being taken thereon, it was decided in the affirmative.

The said bill was then amended.

Ordered, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

On motion of Mr. Lewis, leave was given to bring in a bill to improve roads and build bridges in the county of Ballard, and for other purposes.

Ordered, That Messrs. Lewis, Skiles and Flournoy prepare and bring in the same.

Mr. W. F. Bullock, from the committee on Education, to whom was referred bills from the Senate of the following titles, viz:

An act to incorporate the Trustees of the Hawesville Seminary.

An act to invest the Craddock fund.

An act to incorporate the Pilots' and Commercial Insurance Company.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the Governor announcing that he had approved and signed bills which originated in this House of the following titles, viz:

An act to establish the county of Ballard.

An act to establish the county of Boyle, and for other purposes.

An act for the benefit of the widow and heirs of George W. Hoy, dec'd.

An act concerning the Court of Appeals.

Approved February 15, 1842.

Mr. W. F. Bullock, from the committee on Education, to whom was referred the petition of certain citizens of Hopkinsville, asked to be discharged from the further consideration thereof—which was granted.

On motion of Mr. Harrison, leave was given him to withdraw said petition—and the same was withdrawn.

The following bills were reported by the committee on Education, viz:

A bill to incorporate the Physiological Temperance Society of the Medical Institute of Louisville.

A bill to change the name of Rebecca Ann Smith, and for other purposes.

A bill to incorporate the Trustees of the Moscow Seminary.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. W. F. Bullock, from the committee on Education, to whom was referred a bill from the Senate, entitled, an act to amend the several acts establishing common schools, reported the same, with amendments.

And, after some discussion had thereon, the hour of 12 o'clock arrived, when the House proceeded to the orders of the day.

The House then, according to order, resolved itself into a committee of the whole, on the State of the Commonwealth—Mr. Vance in the chair, on the bill to appropriate the proceeds of the sales of the public lands to the payment of the State's debt for Internal Improvement; and after some time spent therein, the Speaker resumed the chair, when Mr. Vance reported that the committee had, according to order, had under consideration the bill aforesaid, and had made some progress therein, but not having time to go through with the same, had instructed him to ask leave to sit again.

And the question being taken on granting leave, it was decided in the negative.

And then the House adjourned.

THURSDAY, FEBRUARY 17, 1842.

A message was received from the Senate announcing their concurrence in the amendment proposed by this House to a resolution from the Senate for an adjournment of the General Assembly.

That they had passed bills from this House of the following titles, viz:

An act to incorporate the Trustees of the Henderson College.

An act for the benefit of Thompson N. Stratton.

An act for the benefit of William B. Graves and wife.

An act for the benefit of Leonard B. Johnson.

An act for the benefit of Catharine Cotton and the infant heir of Robert Cotton, dec'd.

An act to provide for the removal of the steamboat New Argo, sunk in Kentucky river.

That they had passed bills of the following titles, viz:

An act to attach the county of Crittenden to the 16th judicial district, and for other purposes.

An act to regulate elections in the county of Marshall, and for other purposes.

That they had received official information from the Governor that he had approved and signed enrolled bills which originated in the Senate, of the following titles, viz:

An act for the benefit of the Preachers' Aid Society of the Kentucky Conference.

An act authorizing Joel P. Williams and others to sell a certain church in Harrodsburg.

An act amending the act authorizing the Clarke County Court to appoint a Treasurer, approved February 20, 1839, and for other purposes.

An act to amend the law relating to pedlars, and for other purposes.

An act for the benefit of Anderson Wade.

An act for the benefit of Paulina G. Rodes and her children.

Approved February 14, 1842.

Mr. Swope, from the committee on Internal Improvement, to whom was referred a bill for the relief of contractors and those who have labored on the public works of this Commonwealth—reported the same, with an amendment.

Ordered, That said bill and amendment be placed in the orders of the day.

1. Mr. Taylor presented the memorial of sundry citizens of Union county, praying a modification of the license law.

2. Mr. Nuttall presented the petition of N. L. Oliver, praying to be released from the damages assessed against him for failing to pay in the revenue of Henry county.

3. Mr. R. M. Johnson presented the petition of Susan Trigg, praying to have refunded to her $500 which her husband paid towards building the old State House.

4. Mr. T. D. Brown presented the remonstrance of sundry citizens of Hardin county, remonstrating against the formation of a new county out of part thereof.

5. Mr. Drake presented the petition of Noah Bright, praying that a sum of money be refunded to him which he improperly paid into the Treasury.

6. Also, the petition of Larkin Chism, praying that a sum of money be refunded to him which he improperly paid into the Treasury.

Which memorial, petitions and remonstrance were severally received, the reading thereof dispensed with, and referred, (except the 1st, which was laid on the table)—the 2d to Messrs. Nuttall, Vance and Bramlette; the 3d, 5th and 6th to the committee on Ways and Means; and the 4th to the committee on Propositions and Grievances.

Mr. R. M. Johnson moved the following resolution, viz:

Resolved, That the committee for Courts of Justice be instructed to enquire into the expediency of changing the execution laws so far as not to require slaves to be sold at the court house.

Which being twice read was adopted.

Leave was given to bring in the following bills, viz:

On motion of Mr. Buford—1. A bill for the benefit of the Sheriff of Laurel county.

On motion of Mr. Kinkead—2. A bill for the benefit of Benjamin Wickersham.

On motion of Mr. Drake—3. A bill to regulate the sale of property under execution.

On motion of Mr. Conklin—4. A bill for the benefit of James Byers, Jr.

Ordered, That Messrs. Buford, Vance and J. Kennedy prepare and bring in the 1st; Messrs. Kinkead, Vance and Prewitt the 2d; Messrs. Drake, Nuttall and G. T. Chrisman the 3d; and Messrs. Conklin, T. D. Brown and Morgan the 4th.

On motion of Mr. Thomasson,

Ordered, That Messrs. Gaines, Holbrook, Barbour, Bramlette, Botts and J. Kennedy be added to the committee on Propositions and Grievances.

Mr. W. Kennedy, from the joint committee on Enrollments, reported that the committee had examined sundry enrolled bills which originated in

the Senate, of the following titles, and had found the same truly enrolled, viz:

An act concerning the action of replevin.

An act for the benefit of William B. Dunlap.

An act concerning the payment of taxes on non-resident lands, and for other purposes.

An act for the benefit of John S. Bush.

An act for the benefit of Mary Hall and her children.

An act to amend an act, entitled, an act to amend an act further to regulate the Board of Internal Improvement for the counties west of the Tennessee river, approved February 10, 1841.

An act to incorporate the Trustees of the Parsonage of the Mt. Sterling circuit of the Methodist Episcopal Church.

An act for the benefit of Benjamin Doom and Jonathan Simpson.

An act for the benefit of the heirs, legal representatives and securities of George A. M. Elder.

An act for the benefit of Charles B. May, Surveyor of Spencer county.

An act for the benefit of Jacob Mayo, late Clerk of the Floyd Circuit Court.

And that they had examined enrolled bills which originated in this House of the following titles, and had found the same truly enrolled, viz:

An act to amend an act supplementary to an act, entitled, an act to improve the navigation of Nolin, approved February 20, 1835.

An act to authorize the County Court of Daviess to change the location of a State road.

An act for the benefit of Lucy B. Green.

An act for the benefit of Nancy Ford.

An act changing the time of holding the Trimble County Court.

An act authorizing a change of venue in the case of the Commonwealth against Richard Singleton.

An act allowing additional Justices of the Peace to the counties of Mason and Wayne.

An act to incorporate the Paducah Baptist Church.

An act to incorporate the Paducah Methodist Episcopal Church.

An act allowing one additional Justice of the Peace to Laurel county, and for other purposes.

An act authorizing the sale of the ground adjoining the Locust Methodist Episcopal Church in the county of Fleming.

An act to repeal all acts or parts of acts declaring Dix river a navigable stream, and for other purposes.

An act to amend the law concerning the Goose creek turnpike road in the counties of Clay and Laurel.

An act to allow an additional Constable to Pendleton county.

An act to allow an additional Constable to the county of Todd.

An act to provide for the removal of the steamboat New Argo, sunk in Kentucky river.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Kennedy inform the Senate thereof.

Mr. E. I. Bullock, from the committee for Courts of Justice, reported a bill to change the time of holding certain County and Circuit Courts—which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House again resumed the consideration of the bill from the Senate, entitled, an act to amend the several acts establishing common schools, and the amendments proposed thereto by the committee on Education.

The second and third amendments proposed by the committee on Education were then concurred in.

The said bill was then further amended on the motion of Mr. Craddock.

Mr. R. Wickliffe, Jr., then moved an amendment to said bill; and after some discussion had thereon, the hour of 12 o'clock arrived, when the House proceeded to the orders of the day.

The House then took up for consideration the bill to appropriate the sales of the public lands to the payment of the State's debt for Internal Improvement.

The said bill reads as follows, viz:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the portion of the State of Kentucky of the proceeds of the sales of the Public Lands, under the act of Congress, approved September 4th, 1841, and entitled, "an act to appropriate the proceeds of the sales of the Public Lands, and to grant pre-emption rights," shall be paid over to the Commissioners of the Sinking Fund of this State, who are hereby authorized to receive the same; and said proceeds are hereby set apart as a fund to reduce the bonds of this Commonwealth sold for purposes of Internal Improvement; and said Commissioners are hereby authorized and required, from time to time, to apply said proceeds to the purchase and withdrawal, in the first place, of the six year bonds, and in the second place, of the bonds having a longer time to mature.

Sec. 2. *Be it further enacted*, That said Commissioners shall cause the bonds purchased with said proceeds to be cancelled, from time to time, in the presence of the Treasurer and First Auditor of Public Accounts, and the proper entries to be made on the books of the Treasurer and Auditor; and they shall make annual report to the Legislature of the disposition of

said proceeds, and the number and amount of the bonds purchased and cancelled.

The amendment proposed by Mr. W. F. Bullock to said bill is as follows, viz:

Be it further enacted, That so much of the act, approved February 17, 1841, entitled, an act to increase the resources of the Sinking Fund, as limits the operation of the act aforesaid to the term of two years, be and the same is hereby repealed.

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon by Messrs. R. Wickliffe, Jr., and Chambers, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,
Messrs. Basye,
Bullock, W. F.
Chambers,
Cox,
Craddock,
Dixon,
Flournoy,
Garnett,
Hays,
Holbrook,
Jefferson,
Kennedy, J.
Kinkead,
Kirtley,
Morgan,
Morin,
Owsley,
Rouse,
Skiles,
Swope,
Thomasson,
Triplett,
Todd,
Vance,
Wolfe—26.

Those who voted in the negative were—

Messrs. Barbour,
Barnett,
Botts,
Bowman,
Bramlette,
Brawner,
Brien,
Browder,
Brown, T. D.
Buford,
Bullock, E. I.
Busby,
Carlisle,
Carpenter,
Chism,
Chowning,
Chrisman, G. T.
Chrisman, M. T.
Clarke,
Conklin,
Conway,
Cornish,
Cummins,
Drake,
Fletcher,
Forman,
Gaines,
Gholson,
Gilliam,
Graham,
Harrison,
Innes,
Ireland,
Johnson, D. B.
Johnson, R. M.
Karrick,
Kennedy, W.
Lewis,
Lykins,
Marshall, W. C.
Marshall, W. N.
McCann,
McKee,
Munday,
Noe,
Paxton,
Petree,
Prewitt,
Rumsey,
Sanders,
Smith, B.
Smither,
Stone,
Taylor,
Thompson,
Vawter,
Wakefield,
Wand,
Weir,
Welch,
Whaley,
White, D.
White, J.
Wickliffe, R. Jr.
Wortham,
Young—66.

Mr. R. Wickliffe, Jr., then moved to amend said bill by adding the following, viz:

Be it further enacted, That the Commissioners of the Sinking Fund shall be, and they are hereby required to apply all moneys remaining in their hands, after paying the current interest on the bonds of the State, to the purchase of the bonds of this Commonwealth, at such prices as they can be purchased in the market; and that they shall not invest any surplus funds in their hands in any stock or stocks than the bonds of this State.

Mr. Chambers then moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. R. Wickliffe, Jr., and Conway, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Dixon,	Morgan,
Messrs. Barnett,	Flournoy,	Morin,
Basye,	Forman,	Owsley,
Botts,	Garnett,	Petree,
Bowman,	Gilliam,	Prewitt,
Brawner,	Graham,	Rouse,
Browder,	Harrison,	Skiles,
Buford,	Hays,	Smith, J. Speed
Bullock, E. I.	Holbrook,	Swope,
Bullock, W. F.	Innes,	Thomasson,
Busby,	Ireland,	Thompson,
Carlisle,	Jefferson,	Todd,
Carpenter,	Johnson, D. B.	Vance,
Chambers,	Karrick,	Vawter,
Chism,	Kennedy, J.	Wand,
Clarke,	Kennedy, W.	Weir,
Coombs,	Kinkead,	Welch,
Conklin,	Kirtley,	Whaley,
Cox,	Marshall, W. C.	White, D.
Craddock,		

Those who voted in the negative, were—

Messrs. Barbour,	Gaines,	Rumsey,
Bramlette,	Gholson,	Sanders,
Brien,	Johnson, R. M.	Smith, B.
Brown, T. D.	Lewis,	Smither,
Chowning,	Lykins,	Stone,
Chrisman, G. T.	Marshall, W. N.	Taylor,
Chrisman, M. T.	McCann,	Triplett,
Conway,	McKee,	Wakefield,
Cornish,	Martin,	White, J.
Cummins,	Munday,	Wickliffe, R.
Drake,	Noe,	Young—35.
Fletcher,	Paxton,	

The main question was then put—Shall the bill be engrossed and read a third time? and it was decided in the affirmative.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Mr. R. Wickliffe, Jr., moved to amend said bill by adding thereto the following engrossed clause by way of ryder, viz:

Be it further enacted, That the Commissioners of the Sinking Fund shall be, and they are hereby required to apply all moneys remaining in their hands, after paying the currrent interest upon the bonds of the State, other than those due to the Board of Education, to the purchase of the bonds of this Commonwealth, at such prices as they can be purchased in the market; and that they shall not invest any surplus funds in their hands in any stock or stocks than the bonds of this State.

Mr. Holbrook then moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the negative.

The yeas and nays being required thereon by Messrs. R. Wickliffe, Jr., and M. T. Chrisman, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barnett,
Bowman,
Bramlette,
Browder,
Buford,
Bullock, E. I.
Bullock, W. F.
Busby,
Carpenter,
Chambers,
Chism,
Chrisman, G. T.
Clarke,
Conklin,
Cox,
Craddock,
Dixon,
Garnett,
Gholson,
Gilliam,
Graham,
Harrison,
Holbrook,
Ireland,
Jefferson,
Johnson, D. B.
Kennedy, W.
Kinkead,
Kirtley,
Marshall, W. C.
Morgan,
Owsley,
Petree,
Swope,
Thomasson,
Thompson,
Vance,
Wand,
Weir,
Welch—40.

Those who voted in the negative, were—

Mr. Speaker,
Messrs. Barbour,
Basye,
Botts,
Brien,
Brown, T. D.
Carlisle,
Chowning,
Chrisman, M. T.
Coombs,
Conway,
Hays,
Innes,
Johnson, R. M.
Karrick,
Kennedy, J.
Lewis,
Lykins,
Marshall, W. N.
McCann,
McKee,
Martin,
Rumsey,
Sanders,
Skiles,
Smith, B.
Smither,
Stone,
Taylor,
Triplett,
Todd,
Vawter,
Wakefield,

Cornish,	Morin,	Whaley,
Cummins,	Munday,	White, D.
Drake,	Noe,	White, J.
Fletcher,	Paxton,	Wickliffe, R.
Flournoy,	Prewitt,	Wortham,
Forman,	Rouse,	Young—52.
Gaines,		

The question was then taken on adopting the amendment of Mr. R. Wickliffe, Jr., by way of ryder, and decided in the negative.

The yeas and nays being required thereon by Messrs. R. Wickliffe, Jr., and Conway, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barbour,	Gilliam,	Skiles,
Brien,	Johnson, R. M.	Smither,
Chowning,	Lewis,	Taylor,
Conway,	Lykins,	Triplett,
Cornish,	McCann,	White, D.
Fletcher,	McKee,	Wickliffe, R.
Flournoy,	Martin,	Wortham,
Gaines,	Sanders,	Young—24.

Those who voted in the negative, were—

Mr. Speaker,	Craddock,	Morgan,
Messrs. Barnett,	Cummins,	Morin,
Basye,	Dixon,	Munday,
Botts,	Drake,	Owsley,
Bowman,	Fible,	Paxton,
Bramlette,	Forman,	Petree,
Brawner,	Garnett,	Prewitt,
Browder,	Gholson,	Rouse,
Brown, T. D.	Graham,	Rumsey,
Buford,	Harrison,	Smith, B.
Bullock, E. I.	Hays,	Smith, J. Speed
Bullock, W. F.	Holbrook,	Stone,
Busby,	Innes,	Thomasson,
Carlisle,	Ireland,	Thompson,
Carpenter,	Jefferson,	Todd,
Chambers,	Johnson, D. B.	Vance,
Chism,	Karrick,	Vawter,
Chrisman, G. T.	Kennedy, J.	Wakefield,
Chrisman, M. T.	Kinkead,	Weir,
Clarke,	Kirtley,	Welch,
Coombs,	Marshall, W. C.	Whaley,
Conklin,	Marshall, W. N.	White, J.—67.
Cox,		

Mr. R. Wickliffe, Jr., moved further to amend said bill by adding thereto the following engrossed clause by way of ryder, viz:

That the bonds of the State, held by the Board of Education, shall be regarded and considered as any other bonds of this State held by individuals or corporations, and the interest upon the same shall be paid punctually, as well as any interest upon said bonds that now remain unpaid.

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon by Messrs. R. Wickliffe, Jr., and Conway, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barbour,	Fible,	Marshall, W. N.
Basye,	Fletcher,	McCann,
Botts,	Flournoy,	Morin,
Brien,	Forman,	Prewitt,
Brown, T. D.	Gaines,	Rumsey,
Bullock, W. F.	Gilliam,	Sanders,
Chambers,	Graham,	Skiles,
Chism,	Harrison,	Smith, B.
Chowning,	Innes,	Taylor,
Conklin,	Ireland,	Triplett,
Conway,	Johnson, R. M.	Wakefield,
Cornish,	Karrick,	White, J.
Craddock,	Kennedy, J.	Wickliffe, R.
Cummins,	Lewis,	Wortham—44.
Drake,	Lykins,	

Those who voted in the negative, were—

Mr. Speaker,	Dixon,	Petree,
Messrs. Barnett,	Garnett,	Rouse,
Bowman,	Gholson,	Smith, J. Speed
Bramlette,	Hays,	Smither,
Brawner,	Holbrook,	Stone,
Browder,	Jefferson,	Thomasson,
Buford,	Johnson, D. B.	Thompson,
Bullock, E. I.	Kinkead,	Todd,
Busby,	Kirtley,	Vance,
Carlisle,	Marshall, W. C.	Vawter,
Carpenter,	McKee,	Weir,
Chrisman, G. T.	Martin,	Welch,
Chrisman, M. T.	Morgan,	Whaley,
Clarke,	Munday,	White, D.
Coombs,	Owsley,	Young—47.
Cox,	Paxton,	

The question was then taken on the passage of said bill, and decided in the affirmative.

Resolved, That the title thereof be as aforesaid.

And then the House adjourned.

FRIDAY, FEBRUARY 18, 1842.

1. Mr. Harrison presented the petition of the Trustees of the Episcopal Church in the town of Hopkinsville, praying the passage of a law authorizing them to sell a lot of ground in said town.

2. Mr. Jefferson presented the memorial of sundry citizens of Mason county, praying a modification of the laws authorizing the grant of licenses to retail spiritous liquors.

3. Mr. Vawter presented the petition of Jos. H. Daviess, praying an amendment to the laws upon the subject of strays.

4. Mr. Fible presented the petition of sundry citizens of the town of Lagrange in Oldham, praying the passage of a law incorporating the Lagrange Library Association.

5. Also, the petition of sundry citizens of said town, praying that an additional Constable be allowed to Oldham county, to reside in said town.

6. Also, the remonstrance of sundry citizens of said town, against the passage of a law allowing an additional Constable to said county.

Which petitions, memorial and remonstrance were severally received, the reading thereof dispensed with, and referred, (except the 2nd, which was laid on the table)—the 1st to Messrs. Harrison, Gholson, Flournoy and Gaines; the 3d, to Messrs. Vawter, Morin and Chambers; the 4th to Messrs. Fible, Thomasson, Nuttall and Dixon; and the 5th and 6th to Messrs. Fible, Buford, Sanders and Vawter.

Mr. M. T. Chrisman, from the committee on Claims, to whom was referred the petition of Knott, Mahan & Co., asked to be discharged from the further consideration thereof—which was granted.

Ordered, That said petition be referred to the committee on Internal Improvement.

Mr. Buford moved the following the resolution, viz:

Resolved, That no member of this House shall speak more than 15 minutes on any one subject during the remainder of the session.

Which being twice read was adopted.

Mr. Fible asked leave to withdraw the petition of Aaron Allison, which was granted, and the petition withdrawn.

The House again resumed the consideration of the bill from the Senate, entitled, an act to amend the several acts establishing common schools.

Mr. Buford moved an amendment to said bill, which is as follows, viz:

Be it further enacted, That if any county shall refuse or fail to carry into effect said school system, the said fund shall remain in the Sinking Fund,

subject, however, at any time thereafter, to be used by said county for common school purposes; which said fund shall not be taken from said county and applied in any other direction or manner, but remain, with its accruing interest, for the laudable object proposed in this act.

Mr. Kirtley moved the following as a substitute for the amendment proposed by Mr. Buford, viz:

That if any county in this Commonwealth shall fail to adopt the common school system, the amount due such county shall be paid over to the Commissioners of said county, to be used for the education of the indigent children of said county.

Mr. Vance then moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Morin and E. I. Bullock, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Fletcher,	Morin,
Messrs. Barbour,	Flournoy,	Noe,
Barnett,	Forman,	Nuttall,
Basye,	Garnett,	Rouse,
Botts,	Gilliam,	Skiles,
Bramlette,	Harrison,	Smith, B.
Bullock, W. F.	Holbrook,	Smith, J. Speed
Busby,	Innes,	Swope,
Carlisle,	Ireland,	Thomasson,
Chambers,	Jefferson,	Todd,
Chism,	Kennedy, J.	Vance,
Craddock,	Kinkead,	Vawter,
Cummins,	Lewis,	Weir,
Dixon,	Morgan,	Wolfe—43.
Fible,		

Those who voted in the negative, were—

Messrs. Bowman,	Gaines,	Prewitt,
Brawner,	Gholson,	Rumsey,
Brien,	Graham,	Sanders,
Browder,	Hays,	Smither,
Brown, T. D.	Johnson, D. B.	Stone,
Buford,	Johnson, R. M.	Taylor,
Bullock, E. I.	Karrick,	Thompson,
Carpenter,	Kennedy, W.	Triplett,
Chowning,	Kirtley,	Wakefield,
Chrisman, G. T.	Lykins,	Wand,
Chrisman, M. T.	Marshall, W. C.	Welch,
Clarke,	Marshall, W. N.	Whaley,
Coombs,	McCann,	White, D.
Conklin,	McKee,	White, J.

Cornish,	Martin,	Wickliffe, R.
Cox,	Munday,	Wortham,
Drake,	Paxton,	Young—51.

After some discussion had on said amendment, the hour of 12 o'clock arrived, when the House proceeded to the orders of the day.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had approved and signed enrolled bills which originated in this House, of the following titles, viz:

An act to incorporate the Paducah Baptist Church.

An act for the benefit of Lucy B. Green.

An act to amend an act supplementary to an act, entitled, an act to improve the navigation of Nolin, approved February 20, 1835.

An act to allow an additional Constable to the county of Todd.

An act changing the time of holding the Trimble County Court.

An act allowing one additional Justice of the Peace to Laurel county, and for other purposes.

An act authorizing the sale of the ground adjoining the Locust Methodist Episcopal Church in the county of Fleming.

An act to allow an additional Constable to Pendleton county.

An act to amend the law concerning the Goose creek turnpike road in the counties of Clay and Laurel.

An act allowing additional Justices of the Peace to the counties of Mason and Wayne.

An act for the benefit of Nancy Ford.

An act to authorize the County Court of Daviess to change the location of a State road.

An act to provide for the removal of the steamboat New Argo, sunk in Kentucky river.

An act to repeal all acts or parts of acts declaring Dix river a navigable stream, and for other purposes.

An act authorizing a change of venue in the case of the Commonwealth against Richard Singleton.

An act to incorporate the Paducah Methodist Episcopal Church.

Approved February 18, 1842.

Mr. Flournoy, from the committee on Enrollments, reported that the committee had examined sundry enrolled bills which originated in the Senate of the following titles, and had found the same truly enrolled, viz:

An act to invest the Craddock fund.

An act to incorporate the Pilots' and Commercial Insurance Company.

An act to incorporate the Trustees of the Hawesville Seminary.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Flournoy inform the Senate thereof.

The Speaker laid before the House the response of the Board of Internal Improvement to the resolution of this House of the 15th inst., which is as follows, viz:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,
February 18, 1842.

To the Hon. C. S. MOREHEAD,
Speaker of the House of Representatives.

SIR: In obedience to the resolution of the House of Representatives of the 15th inst. I have the honor to furnish the accompanying papers marked A. It may be right to say, in explanation, that no member of the Board, as at present organized, has presented any claim for expenses, for the reason that no means of payment has been at their command, the bonds being too large in amount for that purpose. The claim of S. Welch would have remained unpaid in like manner, but for the fact that there had been placed to his credit a sum sufficient, which had been placed there by a former Board, for the purpose of paying such extra expenses.

The account presented by M. R. Stealey, as disbursing agent of Barbour, of $425, was not allowed. He acted for Barbour, and not for the State, though the State incidentally may have received some benefit by the act. His *official duties, strictly* speaking, had dwindled to a point—his *time* belonged to the State. At the time of his acceptance of the disbursing agency, he never intimated that he would expect additional pay for such services; if he had, the Board would, unhesitatingly, have rejected the proposition, as they did, when the claim was presented. If the claim then put up had been allowed, he would, at the same per centum therein charged, have been entitled to an additional sum of $650, at the close of his disbursing agency—in all $1,075, and $2,250 for salary. The Board, willing to remunerate him for "travelling expenses" incurred in "extraordinary" services, as provided by law, caused the order to be made, a copy of which is herewith communicated; but there is no funds to make the payment, nor do we know that this allowance will be acceptable.

All of which is respectfully submitted.

THOMAS METCALFE, *President B. I. I.*

A.

The Board of Internal Improvement have caused the bridge over the Rolling Fork of Salt river, on the Muldrow's Hill Turnpike road, to be repaired. They have employed a superintendent with some laborers, to remove timber and snags from the Kentucky river. Also, a superintendent, temporarily, at lock and dam No. 1. They have also purchased two or three small tracts of land for the use of the locks. Payments for these were to be made in State bonds; but as the sums were each less than $1,000, it was necessary to place the bonds in the hands of an agent, to be by him sold and applied to the payment of the amounts due.

Two $1,000 bonds have been placed in the hands of F. H. Moffett, with directions to sell them and apply the proceeds to the payment of the amount

due for the above mentioned objects, charging the proper proportion of the discount to each object.

The accounts have not yet been settled, and it is not known what was the loss upon the bonds.

The cost of repairing the Rolling Fork bridge, will be charged, with the discount, to the contractor, from whom a sufficient amount has been retained, to pay for the repairs and damages.

A.

The Board of Internal Improvement have allowed and paid to the members of the Board, and to Engineers in the service of the State, for expenses incurred by them since the 1st of January, 1841, as follows, to-wit:

1841, January, To Thomas Metcalfe, then simply a member of the Board, stage fare and expenses to Frankfort and back home, this sum,	$5 50
To Vest's tavern bill,	48 00
	$53 50
To F. E. McLean, stage fare, boat and expenses to Frankfort and back home, this sum,	$28 75
To Vest's tavern bill,	23 30
	$52 05
To S. Welch, Chief Engineer, expenses of a trip to Green river, between the 25th and 31st of March, 1841, by order of the Board, this sum,	$24 37
To expenses of a trip to Green river, between the 2d and 25th June, 1841, to examine works on Green and Barren rivers,	74 40
To cash paid Mr. Riddle, for advertising proposals in Pittsburg paper, in 1839,	8 00
To postage from 1st January to 1st April, 1841,	5 79
To postage from 1st April to 1st July, 1841,	6 45
	$119 01

Of this sum only *seventy dollars ninety-six cents* has been paid Mr. Welch since 1st January, 1841, the balance was in his hands previously.

There has been nothing paid to any member of the Board, for salary or expenses, since the adjournment of the General Assembly of 1840—1.

M. R. Stealey, Resident Engineer, presented an account for "negotiating and disbursing $17,000, for account of Joseph Barbour, contractor," for this sum, $425.

Upon the presentation of said account to the Board, on the 9th of October, 1841, the following proceedings were had.

"Whereas, M. R. Stealey, Resident Engineer on the Kentucky river nav-
" igation, has presented an account against the Board, amounting to $425,
" for commissions on disbursements made under an agreement with Joseph
" Barbour, contractor on lock and dam No. 1, Kentucky river navigation;
" and whereas, this Board cannot, in justice to the Commonwealth, allow

"said account, except so much thereof as may have been necessarily incurred for additional or extra expenses, in effecting exchanges; therefore, to relieve said Engineer from the trouble, risk and responsibility, of which he complains, and to secure a disbursement of the money without cost to the Commonwealth—*Resolved*, that P. Dudley be authorized and requested to receive the bonds to be paid said Barbour, exchange them for current funds, and make the proper disbursement thereof."

Att. AUSTIN P. COX,
Sec'y. Board Int. Imp.

The House then took up the bill to amend the law establishing the Board of Internal Improvement.

Sundry amendments were proposed to said bill, which were concurred in.

The said bill, as amended, reads as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the 1st day of March next, the Board of Internal Improvement shall consist of the Governor, Treasurer and 2d Auditor of Public Accounts.

SEC. 2. *Be it further enacted*, That the Governor, Treasurer and 2d Auditor of Public Accounts, by virtue of their public stations, shall, *ex officio*, discharge the duties of members of the Board, and a Secretary shall be appointed annually, by the Governor, by and with the advice and consent of the Senate, and shall receive a salary of $750, payable quarterly, for his services.

SEC. 3. *Be it further enacted*, That the stated and regular meetings of the Board shall be quarterly; but the Governor, who shall be President thereof, shall call such other special meetings as in his judgment may be deemed necessary.

SEC. 4. *Be it further enacted*, That it shall be the duty of the Board to settle with the Commissioner of Public Works, hereinafter appointed by this act, quarterly at least, and oftener if in the judgment of the President it be deemed expedient or necessary.

SEC. 5. *Be it further enacted*, That it shall be the duty of the Board, immediately after its organization, and at the commencement of each succeeding quarter, to place at the disposal, and subject to the order of the Commissioner of Public Works, such funds as may be necessary to meet the estimates of the current quarter, on works constructed entirely by public funds, and so much as may by them be deemed sufficient to meet the subscriptions on the part of the Commonwealth, to such works as are being constructed by the joint funds of the State and individuals: *Provided, however*, That no sum shall at any time be placed at the disposal or in the hands of the said Commissioner, exceeding the amount of his official bond.

SEC. 6. *Be it further enacted*, That it shall be the duty of the Board to have a regular account kept upon their books with the said Commissioner, in which shall be charged every such sum thus placed at his disposal, or subject to his check, as well as every other sum which may pass into his hands upon extraordinary emergencies.

SEC. 7. *Be it further enacted*, That for the purpose of keeping the amount, at any one time charged over to the Commissioner, as low as pos-

sible, and always within the amount of his official bond, as prescribed in the proviso to the 5th section of this act, it shall be the duty of the Board to receive the vouchers of the said Commissioner, for the payment of money transmitted by mail or otherwise, and if the same be approved, the amounts of said vouchers shall be passed to his credit, and his account to that extent, be as fully liquidated as if he were personally present to settle the same.

SEC. 8. *Be it further enacted*, That it shall be the duty of the Board of Internal Improvement, to take an official bond of the Commissioner of Public Works, in the penalty of $75,000, for the faithful discharge of his duties.

SEC. 9. *Be it further enacted*, That there shall be, and is hereby, created, the office of Commissioner of Pulic Works, to be filled annually, by a person *elected by the Legislature*, who shall hold his station for one year, and until his successor shall be appointed.

SEC. 10. *Be it further enacted*, That said Commissioner shall receive an annual salary of ——— dollars, payable quarterly, and execute bond with security, to be approved by the Board of Internal Improvement, for the discharge of his duties, as provided for in section eight of this act.

SEC. 11. *Be it further enacted*, That it shall be the duty of the said Commissioner to devote the whole of his time assiduously and faithfully to the construction, repair, and general supervision of the works of Internal Improvement throughout the Commonwealth.

SEC. 12. *Be it further enacted*, That he shall, out of the funds placed at his disposal by the Board of Internal Improvement, pay the estimates to contractors on those works, exclusively built by the State, at the times stipulated in their contracts, and at their respective works, or at such other places as may be agreed upon between them. It shall also be his duty to pay such sums as may be due from the Commonwealth, from time to time, to such works as are being constructed by the joint funds of the State and individuals.

SEC. 13. *Be it further enacted*, That before any such payment on the part of the Commonwealth shall be made, it shall be the duty of the Commissioner to make out a schedule of the total past payments of stock to said road by the State and by individuals, separately, with a statement of the amount, the date and the manner of payment of individual stock, upon which the present additional payment of stock is demanded; which schedule shall be forwarded to the Board of Internal Improvement, to be first approved, then transcribed upon their journals, and filed with the approval of the Governor endorsed thereon.

SEC. 14. *Be it further enacted*, That it shall be the duty of the Commissioner to ascertain the rates of tolls charged on all the roads and rivers of the Commonwealth, and report, from time to time, the inequality or unfitness of the same to the Board at their quarterly meetings, and to the Legislature in his annual report, with his views in relation to altering or revising the same.

SEC. 15. *Be it further enacted*, That it shall be the duty of the Commissioner of Public works to appoint lock keepers at the various locks and dams, which are now opened, or may hereafter be opened, for navigation. He shall also fix their compensation, and give written and particular instructions to each as to the manner of collecting toll, and as to the manner and time of paying over the same, until further provision be made by law.

He shall also appoint gate keepers on such roads as have been, or may be, surrendered to the care of the Board of Internal Improvement, and shall receive all tolls arising from the rivers, and all tolls accruing to the Commonwealth from roads, and deposit or transmit the same according to the order of the Board of Internal Improvement.

SEC. 16. *Be it further enacted*, That it shall be the duty of said Commissioner to report quarterly, the condition of the public works, detailing the particulars of any damage sustained, or threatened to be sustained, and the measures which he deems necessary, and the amount requisite to protect or repair said works; and should the sanction of the said measures be procured from the Board, it shall be his duty to make such contracts, and take such other measures as may be necessary to protect the public interest: *Provided, however*, That when instant damage is threatened to the public works, or to any portion of them, and such report, in consequence of the necessary delay, cannot be transmitted and acted upon in time, it shall be the duty of said Commissioner to act forthwith in such emergency, and report by letter or otherwise, to the President of the Board, detailing the nature of the difficulty, and the means taken, and expense likely to accrue in making such repairs.

SEC. 17. *Be it further enacted*, It shall be the duty of the Commissioner to appoint such superintendents as may be, in his judgment, necessary for the effectual prosecution or protection of the public works, which belong exclusively to the Commonwealth, or are under its control, *and fix the rate of compensation of each*, subject to revision and approval by the Board of Internal Improvement.

SEC. 18. *Be it further enacted*, It shall be the duty of the Commissioner to examine narrowly into the condition not only of the roads themselves, but of the fiscal condition and management of each and every road company of the State, and for this purpose shall have a right to call on such company or companies for their books, enquire of their officers into neglects or abuses of every kind, and report progress at the quarterly meeting of the Board.

SEC. 19. *Be it further enacted*, That the Commissioner shall attend, in person, where it is practicable, and where it is not, by proxy, to vote the State stock in all joint stock companies where the Commonwealth is a stockholder.

SEC. 20. *Be it further enacted*, That it shall be the duty of the Commissioner of Public Works, to prepare his annual report in time to be laid before the Legislature during the first week of the session.

SEC. 21. *Be it further enacted*, That all laws and parts of laws, heretofore enacted, establishing the Board of Internal Improvement, or defining its powers or duties, which come in conflict with the provisions of this act, shall be, and the same are hereby, repealed.

SEC. 22. *Be it further enacted*, That all laws, and parts of laws, providing for the appointment of compensation of Engineers within this Commonwealth, shall be, and the same are hereby, repealed.

SEC. 23. *Be it further enacted*, That the Board of Internal Improvement, if they should deem it advisable, shall pay the sums due on State subscriptions to roads, as heretofore, any thing in this act to the contrary notwithstanding.

Sec. 24. *Be it further enacted*, That in case of the death or resignation of the Commissioner, the Governor shall, *ad interim*, appoint his successor.

Sec. 25. *Be it further enacted*, That all the powers and duties devolved upon the Board of Internal Improvement, by the fourth section of the general Internal Improvement act, approved February 18, 1841, shall be, and they are hereby, given to, and imposed upon, the Commissioner of Public Works.

Mr. Skiles moved to amend the 9th section by striking out the words "elected by the Legislature," printed in Italics, and insert in lieu thereof the following: "nominated by the Governor and approved by the Senate."

And the question being taken thereon, it was decided in the affirmative.

Mr. Skiles then moved to amend said bill by filling the blank in the 10th section with $2,500.

And the question being taken thereon, it was decided in the affirmative.

Mr. R. Wickliffe, Jr., moved a reconsideration of the vote adopting the amendment of Mr. Skiles to the 9th section.

And the question being taken thereon it was decided in the negative.

The yeas and nays being required thereon by Messrs. R. Wickliffe, Jr., and D. B. Johnson, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barnett,	Gaines,	Prewitt,
Brien,	Graham,	Rumsey,
Brown, J. S.	Hays,	Sanders,
Brown, T. D.	Holbrook,	Smither,
Clarke,	Ireland,	Taylor,
Coombs,	Johnson, D. B.	Wickliffe, R.
Cornish,	Lykins,	Wickliffe, R. L.
Fletcher,	Marshall, W. N.	Wortham—26.
Flournoy,	Munday,	

Those who voted in the negative, were—

Mr. Speaker,	Forman,	Nuttall,
Messrs. Barbour,	Garnett,	Paxton,
Botts,	Gholson,	Rouse,
Bowman,	Gilliam,	Skiles,
Bramlette,	Harrison,	Smith, B.
Browder,	Innes,	Smith, J. Speed
Buford,	Jefferson,	Stone,
Bullock, E. I.	Johnson, R. M.	Swope,
Bullock, W. F.	Karrick,	Thomasson,
Busby,	Kennedy, J.	Thompson,
Carlisle,	Kennedy, W.	Triplett,
Carpenter,	Kinkead,	Todd,
Chambers,	Kirtley,	Vance,
Chism,	Lewis,	Vawter,
Chowning,	Marshall, W. C.	Wakefield,
Chrisman, G. T.	McCann,	Weir,

Chrisman, M. T.	McKee,	Welch,
Conklin,	Martin,	Whaley,
Cox,	Morgan,	White, J.
Craddock,	Morin,	Wolfe
Cummins,	Noe,	Young—62.
Fible,		

Mr. W. N. Marshall then moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Rumsey and Conklin, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barnett,	Fletcher,	McCann,
Browder,	Forman,	Nuttall,
Brown, J. S.	Garnett,	Paxton,
Buford,	Ireland,	Sanders,
Bullock, E. I.	Johnson, R. M.	Smith, B.
Busby,	Kinkead,	Swope,
Chambers,	Marshall, W. C.	Thomasson,
Craddock,	Marshall, W. N.	Todd—25.
Cummins,		

Those who voted in the negative, were—

Mr. Speaker,	Flournoy,	Prewitt,
Messrs. Barbour,	Gaines,	Rouse,
Botts,	Gholson,	Rumsey,
Bowman,	Gilliam,	Smith, J. Speed
Bramlette,	Graham,	Smither,
Brawner,	Harrison,	Stone,
Brien,	Hays,	Thompson,
Brown, T. D.	Holbrook,	Triplett,
Bullock, W. F.	Innes,	Vance,
Carpenter,	Jefferson,	Vawter,
Chism,	Johnson, D. B.	Wakefield,
Chowning,	Karrick,	Weir,
Chrisman, G. T.	Kennedy, J.	Welch,
Chrisman, M. T.	Kennedy, W.	Whaley,
Clarke,	Kirtley,	White, D.
Coombs,	Lykins,	White, J.
Conklin,	McKee,	Wickliffe, R.
Cornish,	Morgan,	Wickliffe, R. L.
Cox,	Morin,	Wolfe,
Drake,	Munday,	Wortham,
Fible,	Noe,	Young—63.

Mr. Rumsey then moved a re-consideration of the vote adopting the amendment of Mr. Skiles to the 10th section.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. G. T. Chrisman and Rumsey, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barbour,	Forman,	Prewitt,
Barnett,	Gholson,	Rouse,
Bowman,	Graham,	Rumsey,
Brien,	Harrison,	Smith, B.
Brown, T. D.	Hays,	Smither,
Bullock, E. I.	Ireland,	Stone,
Busby,	Johnson, D. B.	Thompson,
Carpenter,	Johnson, R. M.	Vance,
Chism,	Karrick,	Wakefield,
Chowning,	Kennedy, J.	Weir,
Chrisman, G. T.	Kennedy, W.	Welch,
Chrisman, M. T.	Lykins,	Whaley,
Clarke,	Marshall, W. N.	White, J.
Conklin,	McKee,	Wickliffe, R.
Cornish,	Morgan,	Wickliffe, R. L.
Craddock,	Morin,	Wolfe,
Cummins,	Munday,	Wortham,
Drake,	Paxton,	Young—54.

Those who voted in the negative, were—

Mr. Speaker,	Fible,	McCann,
Messrs. Botts,	Fletcher,	Nuttall,
Bramlette,	Flournoy,	Sanders,
Brawner,	Gaines,	Skiles,
Browder,	Garnett,	Swope,
Brown, J. S.	Gilliam,	Taylor,
Buford,	Holbrook,	Thomasson,
Bullock, W. F.	Innes,	Triplett,
Chambers,	Jefferson,	Todd,
Coombs,	Kirtley,	Vawter,
Cox,	Lewis,	White, D.—35.
Dixon,	Marshall, W. C.	

The question was then put on filling the blank in the 10th section with $2,500, and decided in the negative.

The yeas and nays being required thereon by Messrs. D. B. Johnson and Rumsey, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Fletcher,	Lewis,
Messrs. Botts,	Flournoy,	Marshall, W. C.
Bramlette,	Forman,	Nuttall,
Browder,	Gaines,	Sanders,
Brown, J. S.	Garnett,	Skiles,

Buford,	Gilliam,	Swope,
Bullock, W. F.	Holbrook,	Thomasson,
Chambers,	Innes,	Triplett,
Coombs,	Jefferson,	Todd,
Cox,	Kinkead,	Vawter,
Dixon,	Kirtley,	White, D.—34.
Fible,		

Those who voted in the negative, were—

Messrs. Barbour,	Graham,	Rouse,
Barnett,	Harrison,	Rumsey,
Bowman,	Hays,	Smith, B.
Brawner,	Ireland,	Smith, J. Speed
Brien,	Johnson, D. B.	Stone,
Brown, T. D.	Johnson, R. M.	Taylor,
Bullock, E. I.	Karrick,	Thompson,
Busby,	Kennedy, J.	Vance,
Carpenter,	Kennedy, W.	Wakefield,
Chism,	Lykins,	Wand,
Chowning,	Marshall, W. N.	Weir,
Chrisman, G. T.	McCann,	Welch,
Chrisman, M. T.	McKee,	Whaley,
Clarke,	Martin,	White, J.
Conklin,	Morgan,	Wickliffe, R.
Cornish,	Morin,	Wickliffe, R. L.
Craddock,	Munday,	Wolfe,
Cummins,	Paxton,	Wortham,
Drake,	Prewitt,	Young—58.
Gholson,		

Mr. Rumsey then moved to fill the blank in the 10th section with the sum of $2,000.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Clarke and Gholson, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Drake,	Morin,
Messrs. Barbour,	Fible,	Munday,
Botts,	Fletcher,	Nuttall,
Bowman,	Flournoy,	Rouse,
Bramlette,	Forman,	Rumsey,
Brawner,	Gaines,	Sanders,
Brien,	Garnett,	Skiles,
Browder,	Gholson,	Smith, B.
Brown, J. S.	Gilliam,	Smith, J. Speed
Brown, T. D.	Harrison,	Smither,
Buford,	Hays,	Stone,
Bullock, E. I.	Holbrook,	Taylor,
Busby,	Innes,	Thomasson,

Carlisle,	Ireland,	Triplett,
Carpenter,	Jefferson,	Todd,
Chambers,	Johnson, R. M.	Vance,
Chism,	Karrick,	Vawter,
Chowning,	Kennedy, J.	Wakefield,
Chrisman, G. T.	Kennedy, W.	Weir,
Chrisman, M. T.	Kinkead,	Welch,
Coombs,	Kirtley,	Whaley,
Conklin,	Lewis,	White, D.
Cornish,	Lykins,	Wickliffe, R. Jr.
Cox,	Marshall, W. C.	Wickliffe, R. L.
Craddock,	McCann,	Wolfe,
Cummins,	McKee,	Wortham—80.
Dixon,	Martin,	

Those who voted in the negative were—

Messrs. Barnett,	Marshall, W. N.	Thompson,
Clarke,	Morgan,	Wand,
Graham,	Paxton,	White, J.
Johnson, D. B.	Prewitt,	Young—12.

Mr. McKee then moved to amend the 17th section by striking out the words, "and fix the rate of compensation of each," printed in Italics, and add to the section the following proviso: "Provided, not more than two shall be appointed, and their compensation does not exceed the sum of $——.

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Weir and Chambers, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barbour,	Gaines,	Smith, J. Speed
Bowman,	Graham,	Smither,
Bramlette,	Hays,	Stone,
Brown, T. D.	Johnson, D. B.	Thompson,
Buford,	Kirtley,	Triplett,
Busby,	Lykins,	Wakefield,
Carlisle,	McKee,	Wand,
Chrisman, M. T.	Martin,	Weir,
Clarke,	Morgan,	White, J.
Conklin,	Munday,	Wickliffe, R. L.
Cornish,	Prewitt,	Wortham—35.
Dixon,	Rumsey,	

Those who voted in the negative, were—

Mr. Speaker,	Fible,	McCann,
Messrs. Barnett,	Fletcher,	Morin,
Botts,	Flournoy,	Nuttall,
Brawner,	Forman,	Paxton,

Brien,	Garnett,	Rouse,
Browder,	Gilliam,	Sanders,
Brown, J. S.	Harrison,	Skiles,
Bullock, E. I.	Holbrook,	Smith, B.
Carpenter,	Innes,	Taylor,
Chambers,	Ireland,	Thomasson,
Chism,	Jefferson,	Todd,
Chowning,	Johnson, R. M.	Vance,
Chrisman, G. T.	Karrick,	Vawter,
Coombs,	Kennedy, J.	Welch,
Cox,	Kinkead,	Whaley,
Craddock,	Lewis,	White, D.
Cummins,	Marshall, W. C.	Wickliffe, R.
Drake,	Marshall, W. N.	Wolfe—54.

Ordered, That said bill, as amended, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message was received from the Senate announcing that they had passed a bill, entitled, an act granting certain powers to the Bank of Kentucky.

The said bill was then read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with, it was referred to the committee on Banks.

And then the House adjourned.

SATURDAY, FEBRUARY 19, 1842.

A message was received from the Senate announcing their disagreement to a bill from this House, entitled, an act for the benefit of John Hulme.

That they had passed bills from this House of the following titles, viz:

An act for the divorce of Elizabeth Million.

An act for the divorce of Mary S. Brockway.

An act for the benefit of the Sheriff of Meade county.

An act for the benefit of Allen Gudgell, late Sheriff of Bath county, and his deputies.

An act for the benefit of the Sheriff of Breathitt county.

An act for the benefit of Thomas Parker, late Sheriff of Lewis county, and for other purposes.

An act for the benefit of George Janes.

An act to change the times of holding the Circuit and County Courts of Simpson and Allen counties, and for other purposes.

An act for the benefit of Thomas Hagins, and for other purposes.

An act to amend the road law in Kenton county.

An act to amend the law concerning public roads.

An act authorizing the County Court of Floyd to change the State road leading from Mountsterling to the Virginia line.

An act for the benefit of the Sheriffs of Meade, Hart and Marion counties.

An act to legalize the marriage of James Lashbrook and Nancy Burkhead.

An act for the divorce of Robert S. Brame.

An act for the benefit of Richard W. Hawkins, deputy Sheriff of Carroll county.

With amendments to the four last named bills.

And that they had passed bills of the following titles, viz:

An act for the benefit of certain Sheriffs.

An act to authorize the Trustees of the town of Mayfield to sell a lot known on the plan of said town, as the "College lot," and purchase another.

An act allowing further time to the 32d Regiment Kentucky Militia to hold their court of assessment.

And had received official information from the Governor that he had approved and signed enrolled bills which originated in the Senate, of the following titles, viz:

An act for the benefit of Mary Hall and her children.

An act for the benefit of John S. Bush.

An act to amend an act, entitled, an act to amend an act further to regulate the Board of Internal Improvement for the counties west of the Tennessee river, approved February 10, 1841.

An act for the benefit of Charles B. May, Surveyor of Spencer county.

An act for the benefit of William B. Dunlap.

An act concerning the payment of taxes on non-resident lands, and for other purposes.

An act for the benefit of Jacob Mayo, late Clerk of the Floyd Circuit Court.

An act to incorporate the Trustees of the Parsonage of the Mt. Sterling circuit of the Methodist Episcopal Church.

An act for the benefit of the heirs, legal representatives and securities of George A. M. Elder.

An act for the benefit of Benjamin Doom and Jonathan Simpson.

An act concerning the action of replevin.

Approved February 17, 1842.

An act for the benefit of Samuel Lawler.

Approved February 18, 1842.

1. Mr. Flournoy presented the remonstrance of sundry citizens of Princeton, against any action of the Legislature concerning the school district including said town.

2. Mr. Vawter presented the petition of sundry citizens of Boone county, praying the establishment of an election precinct at the town of Walton, in said county.

3. Mr. Busby presented the petition of sundry citizens of Washington county, praying the establishment of a State Bank.

4. Mr. Gilliam presented the petition of the widow and heirs of James B. Hurly, deceased, praying the passage of a law confirming the noncupative will of said deceased.

5. Also, the petition of sundry citizens of the town of Smithland, praying the establishment of a Bank.

6. Mr. Lewis presented the petition of sundry citizens of Hickman and Graves county, praying the establishment of a State road, passing through the same to Mills' Point.

7. Also, the petition of John Shaw, praying the passage of a law providing for turnpiking the road from the town of Hickman to the State line.

8. Mr. T. D. Brown presented the remonstrance of sundry citizens of Hardin county, against the formation of a new county out of part thereof.

9. Mr. Brien presented the petition of E. H. Poe, administrator of James R. Cox, dec'd. praying the passage of a law allowing him further time to make sale of said decedent's estate and to settle up the same.

10. Mr. Conway presented the petition of sundry citizens of Hardin county, praying the establishment of a new county out of part thereof.

11. Mr. B. Smith presented the petition of sundry citizens of Pulaski county, praying the establishment of a school district.

Which petitions and remonstrances were severally received, the reading thereof dispensed with, and referred, (except the 3d and 5th, which were laid on the table)—the 1st and 11th to the Committee on Education; the 2d to the committee on Privileges and Elections; the 4th and 9th to the committee for Courts of Justice; the 6th and 7th to the committee on Internal Improvement; and the 8th and 10th to the committee on Propositions and Grievances.

Mr. Triplett, from the committee on Enrollments, reported that the committee had examined sundry enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act authorizing the County Court of Floyd to change the State road leading from Mountsterling to the Virginia line.

An act to amend the law concerning public roads.

An act to amend the road law in Kenton county.

An act for the benefit of Thomas Hagins, and for other purposes.

An act for the benefit of Catharine Cotton, and the infant heir of Robert Cotton, dec'd.

An act for the benefit of Leonard B. Johnson.

An act for the benefit of William B. Graves and wife.

An act for the benefit of George Janes.

An act for the benefit of Thompson N. Stratton.

An act for the benefit of Thomas Parker, late Sheriff of Lewis county, and for other purposes.

An act for the benefit of the Sheriff of Breathitt county.

An act for the benefit of Allen Gudgel, late Sheriff of Bath county, and his deputies.

An act for the benefit of the Sheriff of Meade county.

An act for the divorce of Mary S. Brockway.

An act for the divorce of Elizabeth Million.

An act to incorporate the Trustees of the Henderson college.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Triplett inform the Senate thereof.

Mr. Wolfe asked leave to withdraw the petition and documents of Elizabeth Barnett, which was granted, and the same were withdrawn.

Mr. Fible asked leave to withdraw the petition, &c. of Mary Ann Mason, which was granted, and the same were withdrawn.

Mr. Chism moved the following resolution, viz:

Resolved, That the committee on Agriculture and Manufactures take into consideration the extent, importance and growing value of our tobacco trade, and also the grievous duties and unjust burthens imposed thereon by foreign Governments, and that they report by memorial or resolutions, calling on our delegation in Congress to enforce the just claims of our tobacco planters, to the speedy reduction of the enormous duties imposed on a staple which ranks second in the exports of the United States, and from which trade, foreign Governments unjustly derive an income larger than the whole revenue of the United States.

Which being twice read was adopted.

Leave was given to bring in the following bills, viz:

On motion of Mr. Carpenter—1. A bill for the benefit of the Clerk of the County Court of Allen.

On motion of same—2. A bill to amend an act, entitled, an act to authorize the election of Trustees of the town of Port Oliver, in the county of Allen, approved Feb. 20, 1839.

On motion of Mr. Morin—3. A bill for the benefit of Thomas Stevens.

On motion of same—4. A bill for the benefit of Fielding L. Turner.

On motion of Mr. J. White—5. A bill for the benefit of O. E. Wilhoite and Daniel Brown.

On motion of Mr. Graham—6. A bill for the benefit of the Crab Orchard Seminary.

On motion of Mr. Gilliam—7. A bill for the benefit of James Cruice of Livingston county.

On motion of Mr. Brawner—8. A bill to repeal an act authorizing the County Court of Whitley to open a wagon road from Williamsburg to the falls of Cumberland.

On motion of Mr. Coombs—9. A bill to allow an additional Justice of the Peace to the county of Warren.

Ordered, That Messrs. Carpenter, R. M. Johnson, Clarke and Garnett prepare and bring in the 1st and 2nd; the committee for Courts of Justice, the 3d and 6th; Messrs. Morin, R. Wickliffe, Jr. and Weir, the 4th; Messrs. J. White, J. S. Brown, Nuttall and Sanders, the 5th; Messrs. Gilliam, Flournoy and Noe, the 7th; Messrs. Brawner, Buford and Taylor, the 8th; and Messrs. Coombs, Carpenter and Thomasson, the 9th.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Thompson—1. A bill to incorporate the Mount Washington Academy.

By Mr. Vawter—2. A bill to amend the stray laws of this Commonwealth.

By Mr. Harrison—3. A bill for the benefit of Grace Church, in Hopkinsville, Kentucky.

By Mr. Brien—4. A bill for the benefit of the Sheriff of Calloway county.

By Mr. W. C. Marshall—5. A bill to amend the road laws in the county of Bracken.

By Mr. Martin—6. A bill for the benefit of William Ratliffe.

By Mr. Conklin—7. A bill to allow additional Justices of the Peace to certain counties, and for other purposes.

By same—8. A bill for the benefit of James Byers, Jr.

By Mr. Lewis—9. A bill appointing an Internal Improvement Treasurer for the county of Ballard, and for other purposes.

By Mr. Nuttall—10. A bill for the benefit of the Clerk of Owen County Court.

By same—11. A bill for the benefit of Nicholas L. Oliver, late Sheriff of Henry county.

By Mr. Hays—12. A bill to change the time of holding the Knox County Court.

By same—13. A bill to incorporate the Barboursville Lyceum.

By Mr. Browder—14. A bill to amend an act, entitled, an act to incorporate the Russelville and Clarksville turnpike road company,

By Mr. Buford—15. A bill for the benefit of the Sheriff of Laurel county.

By same—16. A bill for the improvement of Raccoon chute, in the counties of Laurel and Knox.

By Mr. Munday—17. A bill to regulate and fix the value of unappropriated land in the county of Madison.

By Mr. J. Speed Smith—18. A bill for the benefit of the Clerks of the Garrard and Hart Circuit and County Courts.

By the committee on Banks—19. A bill for the benefit of the Northern Bank of Kentucky.

By Mr. R. L. Wickliffe—20. A bill to regulate the local Boards on the several turnpike roads within this Commonwealth.

By Mr. Fible—21. A bill to allow an additional constable to the counties of Oldham and Nelson.

By same—22. A bill to incorporate the Lagrange Library Association.

By Mr. Swope—23. A bill to amend the act, entitled, an act authorizing the County Court of Pendleton to appoint a county Treasurer for said county.

By Mr. Taylor—24. A bill to establish a Tobacco Inspection at Montezuma.

By Mr. Kinkead—25. A bill for the benefit of Benjamin Wickersham.

By Mr. Thomasson—26. A bill to amend the act incorporating the Jefferson Pond Draining Company.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of the said bills (except the 19th) having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. T. D. Brown, from the select committee, appointed to prepare and bring in the same, reported a bill to exempt certain citizens of Hardin county from the payment of toll at the gate in Claysville, on the Elizabethtown and Louisville turnpike road, and for other purposes.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Mr. R. L. Wickliffe moved an amendment to said bill.

Ordered, That said bill and amendment be referred to the committee on Internal Improvement.

Mr. J. Speed Smith, from the select committee, appointed to prepare and bring in the same, reported a bill to amend the law regulating the taking of depositions, which was read the first time.

Mr. Botts moved to lay said bill on the table for the present.

And the question being taken thereon, it was decided in the affirmative.

Mr. E. I. Bullock, from the select committee, appointed to prepare and bring in the same, reported a bill for the benefit of John Blankenship, which was read the first time and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with, and the same being engrossed,

Mr. R. Wickliffe, Jr. moved to amend said bill by adding the following engrossed clause, by way of ryder, viz:

Be it further enacted by the General Assembly of the Commonwealth of Kentucky, That the right, title and interest of this Commonwealth, to lots Nos. 72, 71, 50, 45 and 9, as laid off and marked in the plat of the town of Midway, and county of Woodford, be relinquished to Fielding L. Turner: *Provided*, That said Turner shall, before some Justice of the Peace in and for the county of Woodford, make affidavit that he purchased said lots *bona fide* for a valuable consideration, and without notice of the mortgage of the State on the Lexington and Ohio Railroad: *And provided further*, That if the said Turner has not paid the whole of the purchase money of said lots, he shall pay over the balance due thereon, into the Treasury of this State.

Mr. W. C. Marshall then moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. R. Wickliffe, Jr. and W. C. Marshall, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Botts,
Bramlette,
Browder,
Brown, J. S.
Brown, T. D.
Bullock, E. I.
Bullock, W. F.
Busby,
Carlisle,
Carpenter,
Chambers,
Drake,
Flournoy,
Forman,
Garnett,
Gholson,
Gilliam,
Harrison,
Hays,
Holbrook,
Innes,
Ireland,
Morgan,
Munday,
Paxton,
Rouse,
Sanders,
Skiles,
Smith, B.
Smith, J. Speed
Smither,
Stone,
Taylor,

Chism,	Jefferson,	Thomasson,
Chowning,	Johnson, R. M.	Wand,
Chrisman, G. T.	Karrick,	Welch,
Chrisman, M. T.	Kennedy, J.	Whaley,
Coombs,	Kennedy, W.	White, D.
Conklin,	Kinkead,	White, J.
Cox,	Kirtley,	Wickliffe, R. L.
Craddock,	Lykins,	Wolfe,
Cummins,	Marshall, W. C.	Wortham,
Dixon,	Martin,	Young—63.

Those who voted in the negative, were—

Mr. Speaker,	Fletcher,	Rumsey,
Messrs. Barbour,	Gaines,	Thompson,
Barnett,	Graham,	Triplett,
Basye,	Johnson, D. B.	Todd,
Bowman,	Marshall, W. N.	Vance,
Brien,	McCann,	Vawter,
Conway,	McKee,	Weir,
Cornish,	Morin,	Wickliffe, R.—26.
Fible,	Noe,	

The main question was then put—Shall the bill pass? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Fletcher and Gholson, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Cox,	Morin,
Messrs. Botts,	Dixon,	Munday,
Bramlette,	Drake,	Paxton,
Brien,	Gaines,	Rouse,
Browder,	Garnett,	Skiles,
Brown, J. S.	Gilliam,	Smith, B.
Brown, T. D.	Innes,	Taylor,
Bullock, E. I.	Ireland,	Thomasson,
Bullock, W. F.	Jefferson,	Vance,
Carlisle,	Johnson, R. M.	Vawter,
Chambers,	Kennedy, W.	Weir,
Chism,	Kinkead,	Welch,
Chowning,	Kirtley,	Whaley,
Chrisman, G. T.	Marshall, W. C.	Wickliffe, R. L.
Chrisman, M. T.	Martin,	Wolfe
Coombs,	Morgan,	Wortham—49.
Cornish,		

Those who voted in the negative, were—

Messrs. Barbour,	Graham,	Rumsey,
Barnett,	Harrison,	Smith, J. Speed
Basye,	Hays,	Smither,

Bowman,	Holbrook,	Stone,
Busby,	Johnson, D. B.	Thompson,
Carpenter,	Karrick,	Triplett,
Conklin,	Kennedy, J.	Todd,
Craddock,	Lykins,	Wand,
Cummins,	Marshall, W. N.	White, D.
Fible,	McCann,	White, J.
Fletcher,	McKee,	Wickliffe, R.
Flournoy,	Noe,	Young—37.
Gholson,		

Resolved, That the title thereof be as aforesaid.

A message was received from the Senate, by Mr. Payne, announcing that the Senate was then ready to proceed to the election of a President and Directors to the Bank of the Commonwealth: and after interchanging nominations, the House proceeded to the election.

Mr. O. G. Cates received the unanimous vote of this House, as President of the Bank of the Commonwealth, and Mr. Thomas S. Page and James Davidson the unanimous vote as Directors of said Bank.

Messrs. Conklin, Weir and Graham, were appointed a committee on the part of this House, to meet a similar committee on the part of the Senate, to compare the joint vote and report the result.

After a short time Mr. Conklin reported, that Mr. O. G. Cates had received the unanimous vote of both houses as President, and Thomas S. Page and James Davidson, as Directors of the Bank of the Commonwealth.

Whereupon, Mr. O. G. Cates was declared duly elected President of the Bank of the Commonwealth for the ensuing year; and Thomas S. Page and James Davidson, Directors of said Bank for the ensuing year.

The Speaker laid before the House a memorial from Sylvester Welch, Chief Engineer of Kentucky, which is as follows, viz:

To the House of Representatives of Kentucky.

Your memorialist would beg leave respectfully, to appeal to your honorable body, to delay any action or expression of opinion upon the memorial of M. R. Stealey, late Resident Engineer of the Kentucky river navigation, until an opportunity shall be afforded to your memorialist to vindicate himself against the charges and imputations made in the memorial of the said M. R. Stealey.

Your memorialist states, that he would have made this appeal to the justice of the Legislature at an earlier period, had he not known that the memorial of his accuser and persecutor was referred to a committee of the Senate, before which he expected to vindicate his conduct, taking it for granted that this was the proper course for him to pursue, and that any other would be construed into disrespect to the Senate, and to its committee. Your memorialist having been engaged in the discharge of his official duties, has had no time to apply to the preparation of matter, to meet and refute, as he confidently hopes and believes he can do, the charges and imputations of his accuser. To the great surprise and mortification of your memorialist, he has been told that his silence on the subject, has, by many,

been construed into an admission of the statements made in the memorial of his accuser.

Your petitioner would deplore, to the last day of his life, that such a construction should be put upon his conduct. It is known that he had to appear before a committee of the Senate to meet the charges of H. J. Eastin, another Engineer, and that his indispensable official duties, added to the time required to meet the charges of Mr. Eastin, in fact allowed your petitioner no time to respond to the charges of Mr. Stealey. The proper time to do this he supposes to be near at hand, as the subject is now before a committee of the Senate.

Your memorialist, grateful to the State for the high trust and confidence reposed in him, desires to leave the service and surrender his trust without reproach; beyond this, he is by no means desirous of continuing in his present situation, a day nor an hour after his services can be dispensed with, in the opinion of the Legislature, without detriment to the public interest.

Your memorialist respectfully asks of the House of Representatives, the appointment of a numerous committee, with enlarged powers, to act in conjunction with the committee of the Senate, to investigate the matters at issue, between the late Resident Engineer and himself, and to examine and report upon the conduct of his accuser, both as relates to his conduct while in the service of the State, and also as to the time and manner of making his accusations.

And as in duty bound, your memorialist will ever pray.

SYLVESTER WELCH,
Chief Engineer of Kentucky.

Frankfort, *February* 19, 1842.

Mr. Drake, from the select committee, appointed to prepare and bring in the same, reported a bill to provide for the compensation of Jurors in cases of forcible entry and detainer, which was read the first time.

And the question being taken on reading said bill a second time, it was decided in the negative; and so the said bill was rejected.

Mr. Drake, from the select committee, reported a bill to regulate the sale of property under execution—which was read the first time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That personal property hereafter offered for sale under execution, shall not be sold, unless it shall bring two thirds of its valuation, to be valued on or before the day of sale, by two disinterested men, one to be chosen by the creditor or officer, the other by the owner of the property.

Be it further enacted, That all real estate sold under execution, after the passage of this act, shall be liable to redemption by the original owner, at any time within twelve months from or after the day of sale. This act to take effect from and after the 1st day of March, 1842, any other law to the contrary notwithstanding.

Ordered, That said bill be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Mr. Vance moved to refer said bill to the committee for Courts of Justice.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. D. B. Johnson and Munday, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Flournoy,	Paxton,
Messrs. Barnett,	Garnett,	Rumsey,
Bowman,	Gholson,	Skiles,
Browder,	Graham,	Smith, B.
Brown, T. D.	Harrison,	Taylor,
Bullock, W. F.	Jefferson,	Todd,
Carpenter,	Kennedy, J.	Vance,
Clarke,	Kinkead,	Vawter,
Coombs,	Lykins,	Weir,
Conklin,	Marshall, W. N.	Wickliffe, R.
Cox,	McCann,	Wolfe—35.
Fletcher,	McKee,	

Those who voted in the negative, were—

Messrs. Barbour,	Forman,	Rouse,
Botts,	Gaines,	Sanders,
Bramlette,	Gilliam,	Smither,
Brien,	Hays,	Stone,
Buford,	Innes,	Thomasson,
Bullock, E. I.	Ireland,	Thompson,
Busby,	Johnson, D. B.	Triplett,
Carlisle,	Karrick,	Welch,
Chrisman, G. T.	Kirtley,	Whaley,
Conway,	Marshall, W. C.	White, D.
Cornish,	Morin,	White, J.
Craddock,	Munday,	Wickliffe, R. L.
Cummins,	Nuttall,	Wortham—40.
Drake,		

Mr. R. L. Wickliffe then moved to amend said bill by adding to the first section the following, viz:

And if the two persons thus chosen, disagree as to the value of the property levied on, they may choose a third person; and said persons shall receive for their services the sum of 50 cents each, to be paid by the debtor; which claim shall have the same effect as the fee bills of public officers.

Mr. McKee then moved to lay said bill and amendment on the table until the 1st day of June next.

And the question being taken thereon, it was deciced in the affirmative.

The yeas and nays being required thereon by Messrs. Buford and Nuttall, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Conklin,	Morin,
Messrs. Barnett,	Cox,	Munday,
Basye,	Cummins,	Rumsey,

Bowman,	Dixon,	Smith, B.
Bramlette,	Flournoy,	Smith, J. Speed
Browder,	Garnett,	Smither,
Brown, J. S.	Gholson,	Swope,
Brown, T. D.	Graham,	Taylor,
Bullock, W. F.	Harrison,	Thomasson,
Carlisle,	Hays,	Thompson,
Carpenter,	Holbrook,	Todd,
Chambers,	Jefferson,	Vance,
Chism,	Karrick,	Vawter,
Chrisman, G. T.	Kennedy, J.	Weir,
Chrisman, M. T.	Kinkead,	Welch,
Clarke,	McCann,	Wickliffe, R.
Coombs,	McKee,	Wolfe—51.

Those who voted in the negative, were—

Messrs. Barbour,	Forman,	Nuttall,
Botts,	Gaines,	Paxton,
Brawner,	Gilliam,	Rouse,
Brien,	Innes,	Sanders,
Buford,	Ireland,	Skiles,
Bullock, E. I.	Johnson, D. B.	Stone,
Busby,	Kirtley,	Triplett,
Conway,	Lykins,	Wand,
Cornish,	Marshall, W. C.	Whaley,
Craddock,	Marshall, W. N.	White, D.
Drake,	Martin,	White, J.
Fible,	Morgan,	Wickliffe, R. L.
Fletcher,	Noe,	Wortham—39.

Mr. Skiles, from the committee on Internal Improvement, made the following report, viz:

The committee of Internal Improvement, to whom was referred the resolution enquiring the amount of money necessary to finish the Public Works of this Commonwealth, submit the following report:

The only data from which your committee could draw the information required by the resolution, are found in a report heretofore presented by the Board of Internal Improvement to this House. From this report they have collated the following facts, and will hereby present them.

On page 11 of said report, it will be seen that there is necessary to complete the works on Green and Barren rivers, the sum of - - - - - -	$60,031 38
On Kentucky river, - - - - - -	- 62,451 44
On Licking river, - - - - - -	- 258,684 60
	$381,167 42

On page 13 of said report, it appears that the aggregate amount necessary, on the part of the Commonwealth, to finish the roads, exclusive of the Harrodsburg and Perryville road, and Elizabeth and mouth of Salt river

road, not embraced in this report, is $464,506. Add the amount, since reported as necessary on the two roads last referred to, which is $21,000, and $100,000 which may be added for the completion of short pieces of roads, the importance of which the usefulness of the whole will inevitably be developed, and within a short time.

Recapitulation, page 13, report, - - - -	$464,506 00
The two roads above mentioned, - - - -	21,000 00
For completing short spaces necessary to connect roads, -	100,000 00
Aggregate amount for rivers, - - - -	381,167 00
	$966,673 00

It may not be amiss here, to add that the Internal Improvement bill on your table provides $600,000 of this sum for the year 1842, and leaves for all future years the sum of $366,000. Your committee believe that these estimates are such as can be relied upon, and that they will be fully sufficient, successfully, to close all the works now projected.

Respectfully,

JAS. R. SKILES, *Ch'n. C. I. I.*

Ordered, That the Public Printer forthwith print 150 copies of said report for the use of the members of the General Assembly.

Mr. Kinkead moved the following resolution, viz:

Resolved, That the use of this Hall be given to the Temperance Society, on Tuesday evening the 22d inst. after candle lighting.

Which being twice read was adopted.

On motion of Mr. J. Speed Smith,

Ordered, That the Public Printer forthwith print 150 copies of the bill from the Senate entitled, an act granting certain powers to the Bank of Kentucky, and 150 copies of the bill for the benefit of the Northern Bank of Kentucky, for the use of the members of the General Assembly.

The Speaker laid before the House, a communication from Thomas Metcalfe, which is as follows, viz:

FRANKFORT, *Feb.* 19, 1842.

To the Hon. C. S. MOREHEAD,
Speaker of House of Representatives,

SIR: I respectfully inclose to you a letter from the owners of the steam boat New Argo, just now received by me, believing it to be my duty as a citizen to do so, there being no Board of Internal Improvement.

Truly and sincerely yours,

THOMAS METCALFE.

Frankfort, *Feb.* 19, 1842.

Hon. Thomas Metcalfe,
President Board Internal Improvement.

Sir: Yours of the 17th inst. has been received, enclosing a copy of an act, entitled, "an act to provide for the removal of the steam boat New Argo, sunk in Kentucky river, approved 17th February, 1842," to which we respectfully respond:

1st. That the cause of the *obstruction* complained of, was the unfinished state of the *crib work* at lock No. 4.

2d. That we sincerely regret that any obstruction should exist in the navigation of the Kentucky river, and have used, and are still using, every reasonable exertion in our power, to remove that complained of at Lock No. 4.

3d. The action and progress of our efforts for that removal, are well known to the Board of Internal Improvement.

4th. We now here in the most solemn manner *protest* against any action of the Board of Internal Improvement, under said act or otherwise, that will tend in the slightest degree to injure said steam boat, or any part or parcel thereof, or that will tend in the slightest degree to hinder or delay us or either of us in the enjoyment of our right and property in said steam boat.

With great respect,
T. N. LINDSEY,
And others, owners of steam boat Argo.

Then the House adjourned.

MONDAY, FEBRUARY 21, 1842.

A message was received from the Senate announcing their concurrence in the amendments proposed by this House to bills from that, of the following titles, viz:

An act concerning bills of exchange.

An act to incorporate the Funk Seminary.

An act granting a change of venue to John Hughes.

An act to authorize the County Court of Morgan county to straighten the State road.

An act to allow three additional Constables to Spencer county.

An act for the benefit of the Sheriff of Carter county.

That they had passed bills from this House of the following titles, viz:

An act for the benefit of mechanics and others performing labour, or fur-

nishing materials for the constructing or repairing of buildings, in the towns of Hickman and Frankfort.

An act for the benefit of Elizabeth Green.

An act for the benefit of the children of John and Susan Whip.

An act for the benefit of William and Jacob Luce.

An act to incorporate the Physiological Temperance Society of the Medical Institute of Louisville.

An act to change the time of holding certain County and Circuit Courts.

An act to amend an act, entitled, an act to amend and reduce into one the several acts regulating the town of Henderson, approved January 21, 1840.

An act for the benefit of Sarah Gough.

With amendments to the two last named bills.

That they had passed bills of the following titles, viz:

An act to abolish the July term of the Campbell Circuit Court for the year 1842.

An act for the benefit of John F. Linton, infant heir of John H. Linton, deceased.

An act for the benefit of Milly Young and others.

An act to amend an act, entitled, an act for the benefit of the Breckinridge Seminary, approved December 13, 1820.

An act for the relief of the widow and heirs of Christopher A. Rudd, deceased.

An act concerning runaway slaves.

An act to amend the law in relation to the collection of fee bills in this Commonwealth.

An act to extend the time of receiving and registering head-right platts and certificates, and legalizing those received since the old law expired.

And asked leave to withdraw their report announcing their disagreement to a bill from this House, entitled, an act for the benefit of John Hulme—which was granted, and the bill withdrawn.

Mr. J. Speed Smith, from the committee on Banks, to whom was referred a bill from the Senate, entitled, an act granting certain powers to the Bank of Kentucky, reported the same without amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Mr. Fletcher moved to amend said bill by adding thereto the following engrossed clause by way of ryder, viz:

Provided, however, That this act shall not be so construed as to authorize the Bank of Kentucky to enlarge her circulation, in consequence of the purchase of the certificates of stock issued by the Schuylkill Bank, which issue was unlawful; and that said Bank of Kentucky is hereby prohibited from

the issue of any notes, or the transacting of any banking business, as privileges contrary to the original charter of said Bank of Kentucky.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Fletcher and J. Speed Smith, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bullock, E. I.	Ireland,	Stone,
Chrisman, M. T.	Johnson, D. B.	Swope,
Fletcher,	Lykins,	Wickliffe, R.
Gaines,	Martin,	Wickliffe, R. L.-13
Hays,		

Those who voted in the negative, were—

Mr. Speaker,	Cummins,	Noe,
Messrs. Barbour,	Drake,	Nuttall,
Barnett,	Fible,	Paxton,
Basye,	Flournoy,	Petree,
Biggs,	Forman,	Prewitt,
Botts,	Garnett,	Rouse,
Bowman,	Gholson,	Rumsey,
Bramlette,	Gilliam,	Sanders,
Brawner,	Graham,	Skiles,
Brien,	Harrison,	Smith, J. Speed
Browder,	Holbrook,	Smither,
Brown, J. S.	Innes,	Taylor,
Buford,	Jefferson,	Thomasson,
Bullock, W. F.	Johnson, R. M.	Thompson,
Busby,	Karrick,	Triplett,
Carlisle,	Kennedy, J.	Todd,
Carpenter,	Kennedy, W.	Vance,
Chambers,	Kinkead,	Vawter,
Chism,	Kirtley,	Wand,
Chowning,	Lewis,	Weir,
Chrisman, G. T.	Marshall, W. C.	Welch,
Clarke,	Marshall, W. N.	Whaley,
Coombs,	McCann,	White, D.
Conklin,	McKee,	White, J.
Conway,	Morgan,	Wolfe,
Cornish,	Morin,	Wortham,
Cox,	Munday,	Young—82.
Craddock,		

Mr. J. S. Brown moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the affirmative.

The main question was then put—Shall the bill pass? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. R. Wickliffe, Jr., and Chambers, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Cox,	McCann,
Messrs. Barbour,	Craddock,	Morin,
Barnett,	Cummins,	Munday,
Basye,	Dixon,	Nuttall,
Biggs,	Fible,	Paxton,
Botts,	Forman,	Prewitt,
Bowman,	Garnett,	Rouse,
Bramlette,	Gholson,	Rumsey,
Brawner,	Gilliam,	Skiles,
Browder,	Graham,	Smith, B.
Brown, J. S.	Holbrook,	Smith, J. Speed
Buford,	Innes,	Thompson,
Bullock, E. I.	Jefferson,	Todd,
Bullock, W. F.	Johnson, R. M.	Vance,
Busby,	Karrick,	Vawter,
Carpenter,	Kennedy, J.	Wand,
Chambers,	Kennedy, W.	Welch,
C[illegible]ng,	Kinkead,	Whaley,
[illegible], G. T.	Kirtley,	White, D.
[illegible],	Marshall, W. C.	Wolfe,
Conklin,	Marshall, W. N.	Young—63.

Those who voted in the negative were—

Messrs. Brien,	Harrison,	Smither,
Brown, T. D.	Hays,	Stone,
Carlisle,	Ireland,	Swope,
Chism,	Johnson, D. B.	Taylor,
Chrisman, M. T.	Lewis,	Thomasson,
Clarke,	Lykins,	Triplett,
Conway,	McKee,	Weir,
Cornish,	Martin,	White, J.
Drake,	Morgan,	Wickliffe, R. Jr.
Fletcher,	Noe,	Wickliffe, R. L.
Flournoy,	Petree,	Wortham—35.
Gaines,	Sanders,	

Resolved, That the title thereof be as aforesaid.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had approved and signed enrolled bills which originated in this House, of the following titles, viz:

An act for the benefit of Catharine Cotton, and the infant heir of Robert Cotton, dec'd.

An act for the benefit of Leonard B. Johnson.

An act for the benefit of Thomas Parker, late Sheriff of Lewis county, and for other purposes.

An act for the benefit of Allen Gudgel, late Sheriff of Bath county, and his deputies.

An act to amend the law concerning public roads.

An act for the benefit of the Sheriff of Breathitt county.

An act to amend the road law in Kenton county.

An act to incorporate the Trustees of the Henderson college.

An act for the benefit of George Janes.

An act for the benefit of the Sheriff of Meade county.

An act for the divorce of Mary S. Brockway.

An act for the benefit of Thomas Hagins, and for other purposes.

An act authorizing the County Court of Floyd to change the State road leading from Mountsterling to the Virginia line.

An act for the divorce of Elizabeth Million.

An act for the benefit of Thompson N. Stratton.

An act for the benefit of William B. Graves and wife.

Approved February 19, 1842.

Mr. Brien asked leave to withdraw the remonstrance of sundry citizens of Calloway county, against the division of said county—which was granted, and the same was withdrawn.

1. Mr. Botts presented the petition of James Lampton, of Carter county, making propositions in relation to the Owingsville and Big Sandy turnpike road.

2. Mr. J. Kennedy presented the petition of the citizens of Ruddell's mill, in Bourbon county, praying an act of incorporation for said village.

3. Mr. Rouse presented the petition of sundry citizens of Lawrence county, praying that the place of voting in an election precinct in said county may be changed.

4. Mr. Cox presented the petition of sundry citizens of Nelson county, praying for the establishment of a Commonwealth's Bank.

5. Mr. Young presented the petition of sundry citizens of Bath county, praying the repeal of an act allowing said county an additional Constable.

Which petitions were severally received, the reading thereof dispensed with, (except the 4th, which was read and laid on the the table,) and referred—the 1st to the committee on Internal Improvement; the 2d to the committee on Agriculture and Manufactures: the 3d to the committee on Privileges and Elections; and the 5th to the committee on Propositions and Grievances.

The House again resumed the consideration of the bill from the Senate, entitled, an act to amend the several acts establishing common schools.

The question was then taken on the adoption of the substitute proposed by Mr. Kirtley, for the amendment of Mr. Buford to said bill, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. Lykins and Hays, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Biggs,	Hays,	Sanders,
Brawner,	Jefferson,	Smith, J. Speed
Brien,	Johnson, D. B.	Smither,
Browder,	Johnson, R. M.	Stone,
Buford,	Karrick,	Taylor,
Bullock, E. I.	Kennedy, W.	Thompson,
Carpenter,	Kirtley,	Todd,
Chism,	Lewis,	Wand,
Chrisman, G. T.	Lykins,	Welch,
Clarke,	Marshall, W. C.	Whaley,
Coombs,	McCann,	White, D.
Cornish,	McKee,	White, J.
Cox,	Martin,	Wickliffe, R.
Drake,	Munday,	Wickliffe, R. L.
Forman,	Petree,	Wortham,
Gaines,	Prewitt,	Young—50.
Graham,	Rouse,	

Those who voted in the negative, were—

Messrs. Barbour,	Craddock,	Morgan,
Barnett,	Cummins,	Morin,
Basye,	Dixon,	Noe,
Botts,	Flournoy,	Paxton,
Bowman,	Garnett,	Rumsey,
Bramlette,	Gholson,	Skiles,
Bullock, W. F.	Gilliam,	Smith, B.
Busby,	Holbrook,	Thomasson,
Carlisle,	Innes,	Triplett,
Chambers,	Ireland,	Vance,
Chowning,	Kennedy, J.	Vawter,
Chrisman, M. T.	Kinkead,	Weir,
Conklin,	Marshall, W. N.	Wolfe—39.

The question was then taken on the adoption of said substitute as an amendment to said bill, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. Munday and Buford, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Botts,	Gaines,	Rouse,
Bowman,	Graham,	Rumsey,
Brawner,	Harrison,	Sanders,
Brien,	Hays,	Smith, J. Speed
Browder,	Jefferson,	Smither,
Buford,	Johnson, D. B.	Stone,

Bullock, E. I.	Johnson, R. M.	Swope,
Busby,	Karrick,	Taylor,
Carpenter,	Kennedy, W.	Thompson,
Chambers,	Kirtley,	Todd,
Chism,	Lewis,	Wand,
Chrisman, G. T.	Lykins,	Welch,
Clarke,	Marshall, W. C.	Whaley,
Coombs,	McCann,	White, D.
Conway,	McKee,	White ,J.
Cornish,	Martin,	Wickliffe, R.
Cox,	Munday,	Wickliffe, R. L.
Drake,	Noe,	Wortham,
Fletcher,	Petree,	Young—59.
Forman,	Prewitt,	

Those who voted in the negative, were—

Messrs. Barbour,	Cummins,	Morin,
Barnett,	Flournoy,	Paxton,
Bayse,	Garnett,	Skiles,
Biggs,	Gholson,	Smith, B.
Bramlette,	Gilliam,	Thomasson,
Bullock, W. F.	Holbrook,	Triplett,
Carlisle,	Innes,	Vance,
Chowning,	Ireland,	Vawter,
Chrisman, M. T.	Kennedy, J.	Weir,
Conklin,	Marshall, W. N.	Wolfe—32.
Craddock,	Morgan,	

And, after some further discussion had thereon, the hour of 12 o'clock arrived, when the House proceeded to the orders of the day.

The House then took up the bill to amend the laws in relation to the Kentucky Lunatic Asylum.

The said bill reads as follows, viz:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Commissioners of the Kentucky Lunatic Asylum be, and they are hereby authorized and required to contract for and purchase a tract of land, consisting of one hundred and seven acres, in the rear of and adjoining said Asylum, to be used for the purposes thereof, and to have a proper conveyance made of the same to the Commonwealth of Kentucky: *Provided*, That said land can be purchased for a sum not exceeding *fifteen* thousand dollars; *And provided further*, That said sum shall not be paid, except in the manner following, viz: five thousand dollars on the first day of April, 1842, and the balance in equal annual payments, on the first day of January 1843, and first day of January 1844; and the Second Auditor of Public Accounts is hereby required to issue his warrants upon the Treasury for the respective amounts aforesaid, payable, as aforesaid, whenever he shall be notified by the Commissioners that a legal conveyance has been made as aforesaid.

Sec. 2. *Be it further enacted*, That all laws allowing money to be appropriated out of the Treasury for the support of Idiots and Lunatics, out of

the Lunatic Asylum, shall be, and the same are hereby repealed, from and after the first day of July, 1842.

SEC. 3. *Be it further enacted*, That the Secretary of State be, and he is hereby required to deliver to the Commissioners of the Asylum, a copy of Morehead and Brown's Digest, a copy of all laws relating to Idiots and Lunatics and the Lunatic Asylum, and one map of the State of Kentucky.

SEC. 4. *Be it further enacted*, That the Commissioners aforesaid shall be entitled to receive, per annum, in consideration of their services, the sum of one hundred dollars each, payable semi-annually; and the Second Auditor is required to issue his warrants upon the Treasury therefor, to be paid out of any moneys not otherwise appropriated: *Provided*, No male shall be taken to said Asylum before the age of eight years, and no female before the age of ten, unless by the consent of their parents; and for such, the courts may make allowances as now authorized by law: but after the ages of eight and ten, of male and female respectively, such allowances shall cease to be made.

Mr. R. L. Wickliffe moved to amend said bill in the first section by striking out the word "fifteen," printed in Italics, and insert in lieu thereof the word "ten."

Mr. Noe then moved the previous quention.

The question was then taken—Shall the main question be now put? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. R. Wickliffe, Jr. and D. B. Johnson, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Forman,	Munday,
Messrs. Barbour,	Garnett,	Noe,
Barnett,	Gholson,	Prewitt,
Biggs,	Gilliam,	Rouse,
Botts,	Harrison,	Skiles,
Browder,	Hays,	Smith, B.
Buford,	Holbrook,	Smith, J. Speed
Bullock, E. I.	Innes,	Smither,
Bullock, W. F.	Johnson, R. M.	Thomasson,
Busby,	Karrick,	Thompson,
Carpenter,	Kinkead,	Todd,
Chrisman, M. T.	Kirtley,	Vance,
Coombs,	Marshall, W. C.	Vawter,
Cox,	Marshall, W. N.	Welch,
Cummins,	McCann,	White, D.
Drake,	Morgan,	Wolfe—49.
Flournoy,		

Those who voted in the negative, were—

Messrs. Bowman,	Gaines,	Rumsey,
Bramlette,	Graham,	Sanders,
Brawner,	Ireland,	Stone,
Brien,	Jefferson,	Taylor,

Brown, J. S.	Johnson, D. B.	Triplett,
Carlisle,	Kennedy, J.	Weir,
Chism,	Lewis,	White, J.
Chowning,	Lykins,	Wickliffe, R.
Chrisman, G. T.	McKee,	Wickliffe, R. L.
Cornish,	Morin,	Wortham,
Fletcher,	Paxton,	Young—33.

The main question was then put—Shall the bill be engrossed and read a third time? and it was decided in the negative; and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. W. N. Marshall and Thompson, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Forman,	Noe,
Messrs. Barbour,	Garnett,	Petree,
Basye,	Gilliam,	Skiles,
Biggs,	Hays,	Smith, J. Speed
Brawner,	Holbrook,	Smither,
Browder,	Innes,	Thomasson,
Bullock, E. I.	Karrick,	Thompson,
Bullock, W. F.	Kennedy, W.	Todd,
Busby,	Kinkead,	Vance,
Coombs,	Marshall, W. C.	Vawter,
Cox,	McCann,	Weir,
Cummins,	McKee,	Wickliffe, R.
Fible,	Morgan,	Wolfe—40.
Flournoy,		

Those who voted in the negative, were—

Messrs. Barnett,	Drake,	Nuttall,
Bowman,	Fletcher,	Paxton,
Bramlette,	Gaines,	Prewitt,
Brien,	Gholson,	Rouse,
Brown, J. S.	Graham,	Rumsey,
Brown, T. D.	Harrison,	Sanders,
Buford,	Ireland,	Smith, B.
Carlisle,	Jefferson,	Stone,
Carpenter,	Johnson, D. B.	Taylor,
Chism,	Johnson, R. M.	Triplett,
Chowning,	Kennedy, J.	Welch,
Chrisman, G. T.	Kirtley,	White, D.
Chrisman, M. T.	Lewis,	White, J.
Clarke,	Lykins,	Wickliffe, R. L.
Conklin,	Marshall, W. N.	Wortham,
Conway,	Morin,	Young—50.
Cornish,	Munday,	

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shall appear that such other species of property is included, for the purpose of evading this law, and on which a greater rate of interest is reserved or taken, than ten per centum per annum, the same shall be utterly void, so far as he, she, or they, are concerned, in whose favor they are made.

[To face page 499, H. R. Journal.]

OFFICE OF THE SECRETARY OF STATE, FEBRUARY 21st, 1842.

In pursuance of the following resolution of the House of Representatives, of the 12th inst.: "*Resolved*, That the Secretary of State furnish this House with a schedule of the Bonds issued by the State of Kentucky up to and including the 30th December, 1841, with the date of said Bonds—the time when due—amount of each issue—to whom issued, and to whom delivered—date of the law authorizing the issue—amount authorized to be issued under each act—amount unredeemed—rate of interest—when reimbursable or payable—object for which Bonds were issued—together with such other facts in relation to said Bonds as he may deem necessary for the information of the members of the General Assembly," the Secretary of State has the honor to transmit herewith, to the House of Representatives, a table giving the information required by said resolution.

JAMES HARLAN, *Secretary of State.*

To the Hon. C. S. MOREHEAD, *Speaker of the House of Representatives.*

Schedule of Bonds issued by the State of Kentucky up to and including the 30*th December*, 1841—*prepared by the Secretary of State, in obedience to a resolution of the House of Representatives.*

Date of issuing Bonds.	When due.	Amount of each issue.	To whom issued & delivered.	Date of law authorizing loan.	Amount authorized.	Amount issued under each act.	Am't unredeemed Dec. 30, 1841	Rate of interest.	When reimbursable or payable.	Object for which Bonds were issued.	REMARKS.
1835, April 18,	5 years after 1st October, 1864,	$500,000	Bank of Kentucky,	Act of February 22, 1834, establishing the Bank of Kentucky,	$1,000,000	$1,000,000	$1,000,000	5 per cent.	At any time within 5 years after 1st Oct., 1864, when the charter expires,	In full for 10,000 shares, of $100 per share, in the Bank of Kentucky.	It will be seen by an examination of the charters of the Bank of Kentucky and Northern Bank of Kentucky, that one million of State five per cent. Bonds were deposited in each of said Banks, as stock subscribed by the State. That the Banks are bound to settle the interest out of the dividends which may be declared from time to time, and finally to redeem the Bonds.
1835, July 1,		500,000	Bank of Kentucky,								
1835, September 15,	5 years after the 1st day of May, 1865,	500,000	Northern Bank of Kentucky,	Act of February 20, 1835, establishing the Northern Bank of Kentucky,	1,000,000	1,000,000	1,000,000	5 per cent.	At any time within 5 years after 1st May, 1865, when the charter expires,	In full for 10,000 shares, of $100 per share, in the Northern Bank of Kentucky.	
1836, July 1,		500,000	Northern Bank of Kentucky,								
1835, May 25,	May 25, 1865,	100,000	Bank of Kentucky,	February 25, 1835,	1,000,000	200,000	200,000	5 per cent.	30 years,	Internal Improvement.	
1835, August 1,	August 1, 1865,	100,000	Prime, Ward & King,	February 25, 1835,							
1836, April 25,	April 20, 1871,	100,000	Northern Bank of Kentucky,	February 29, 1836,	1,000,000	150,000	150,000	5 per cent.	35 years,	Internal Improvement.	
1836, June 1,	June 1, 1871,	50,000	Bank of Kentucky,	February 20, 1836,							
1837, April 1,	April 1, 1872,	165,000	War Department,	February 23, 1837,	Limited by previous acts.	1,035,000	1,035,000	5 per cent.	35 years,	Internal Improvement.	
1837, May 15,	May 15, 1872,	500,000	Board of Education, Ky.								
1837, July 1,	July 1, 1872,	170,000	Board of Education, Ky.								
1837, October 1,	October 1, 1872,	180,000	Board of Education, Ky.								
1837, October 1,	October 1, 1872,	20,000	Commissioners Sinking Fund,								
1838, July 1,	July 1, 1868,	1,250,000	American Life Insurance & Trust Company,	February 16, 1838,	1,250,000	1,250,000	1,250,000	6 per cent.	30 years,	Internal Improvement.	
1839, October 1,	October 1, 1869,	21,500	Board of Education, Ky.	February 22, 1839,	1,000,000	100,500	100,500	6 per cent.	30 years,	Internal Improvement.	
1840, January 1,	January 1, 1870,	22,000	Board of Education, Ky.								
1840, ———,	January 1, 1870,	33,000	Contractors and others,								
1840, July,	July 1, 1870,	24,000	Board of Education, Ky.								
From 22d April, 1840, to 19th February, 1841, inclusive,	6 years from respective dates of Bonds,	609,500	Contractors,	February 21, 1840, and February 18, 1841,	1,500,000	1,569,000	1,569,500	6 per cent.	6 years,	Internal Improvement.	The acts of the 21st February, 1840, and 18th February, 1841, are the only acts in force authorizing the issue of State Bonds. The further issue of six year Bonds was prohibited by the latter act.
1840, November 4,	November 4, 1870,	235,000	Northern Bank of Kentucky,								The $235,000 issued to the Northern Bank, and $180,000 issued to the Bank of Kentucky, were in payment of moneys borrowed from those Banks by the Board of Internal Improvement, and were directed to be paid by the act of 21st February, 1840.
1840, November 4,	November 4, 1870,	180,000	Bank of Kentucky,								
1841, from April 3, to 30th December, 1841, inclusive,	Thirty years from respective dates of Bonds,	545,000	Contractors,	February 18, 1841,	196,000 in addition to 1,500,000 above.				30 years,	Internal Improvement.	These sums were borrowed by the Board of Internal Improvement under the act of 23d December, 1836, authorizing it to borrow money for internal improvement purposes. The interest which accrues is paid by the Commissioners of the Sinking Fund.
1839,	When demanded,	30,000	Bank of Louisville,	December 23, 1836,			30,000	6 per cent.	On demand,	Internal Improvement.	
1840,	When demanded,	10,000	Frankfort Branch Bank,	December 23, 1836,			10,000	6 per cent.	On demand,	Internal Improvement.	
Total amount of Bonds issued for all purposes, up to 30th December, 1841,		$6,345,000									

RECAPITULATION.

Aggregate amount of Bonds issued, for all purposes, up to and including the 30th December, 1841,		$6,345,000
From which should be deducted—		
1st. The two millions issued to the Bank of Kentucky, and Northern Bank of Kentucky, for stock in those institutions, which the Banks are severally bound by their charters to redeem,	$2,000,000	
2d. $917,500 issued to the Board of Education, and $20,000 to the Commissioners of the Sinking Fund, these being debts due from the State to itself,	937,500	
		2,937,500
Leaving, as the *actual debt* of the State, the 30th December, 1841,		$3,407,500

J. HARLAN, *Secretary of State.*

The Speaker laid before House the response of the Secretary of State to the resolutions of this House of the 12th instant.

[*For the Response—See folding sheet.*]

Ordered, That the Public Printer forthwith print 150 copies of said response for the use of the members of the General Assembly.

On motion of Mr. Morin, leave was given to bring in a bill authorizing the County Court of Campbell to sell or otherwise dispose of said property in said county.

Ordered, That the committee on Propositions and Grievances prepare and bring in the same.

The House then took up for consideration the bill to alter amend the law concerning usury.

The said bill reads as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That no person shall, hereafter, on any contract, take, directly or indirectly, for the loan, or forbearnce of any money, goods, wares, merchandize, or other commodity, above the value of six dollars, for the loan, or forbearance of one hundred dollars for a year, and after that rate, for a greater or lesser sum, or for a longer or shorter time. All bonds, notes, contracts, covenants, conveyances, or assurances, hereafter to be made, for payment or delivery of any money, or goods, so to be lent or forborne, on which a higher interest is reserved or taken, than is hereby allowed, shall be utterly void, so far as relates to the usurious interest, but should the amount of interest reserved or taken, not exceed the rate of ten per centum per annum, the lender shall be entitled to recover the principal so loaned, with lawful interest: *Provided, nevertheless*, That if the lender shall refuse to receive the principal, with lawful interest, on a tender thereof, previous to the institution of a suit for a recovery, he, she, or they, so refusing, shall pay the costs of said suit.

SEC. 2. *Be it further enacted*, That all bonds, notes, contracts, conveyances, or assurances, hereafter to be made, for the payment or delivery of any money, or goods, lent or forborne, on which is reserved, or taken, directly or indirectly, a higher rate of interest than ten per centum per annum, shall be utterly void, so far as he, she, or they, in whose favor they are made are concerned.

SEC. 3. *Be it further enacted*, That all bonds, notes, contracts, covenants, conveyances, or assurances, made on account of any fictitious sales, or transfers of stocks, goods, wares, merchandize, or any other commodity, as a mean of evading this law, shall be utterly void, so far as regards him, her, or those, in whose favor the same are made.

SEC. 4. *Be it further enacted*, That all bonds, notes, contracts, covenants, conveyances, or assurances, made upon consideration of a loan or forbearance of money, and for any other species of property, and upon which it shall appear that such other species of property is included, for the purpose of evading this law, and on which a greater rate of interest is reserved or taken, than ten per centum per annum, the same shall be utterly void, so far as he, she, or they, are concerned, in whose favor they are made.

Sec. 5. *Be it further enacted*, That if a sale, transfer, or assignment, shall be made of bonds, notes, contracts, covenants, conveyances, or assurances, for the payment of any money, or goods, the owner, or owners, of such bonds, notes, contracts, covenants, conveyances, or assurances, shall be entitled to recover the amount he, she, or they, have paid therefor, with legal interest thereon, from the time of such sale, transfer, or assignment, and no more.

Sec. 6. *Be it further enacted*, That all mortgages, deeds of trust, pledges or pawns of property, or other things, to secure the payment of any debt, in which is included, or reserved, upon the loan or forbearance to collect the same, a greater amount of interest than the rate of ten per centum per annum, shall be utterly void.

Sec. 7. *Be it further enacted*, That all sums of money, paid by way of usurious interest, upon the loan of, or forbearance to collect money, shall in equity, be considered a *chose in action*, and liable to be decreed in satisfaction of any debt, or debts, of the party paying the same, at any time, within ten years after the same has been paid.

Sec. 8. *Be it further enacted*, That if any person, or persons, shall hereafter make any contract, by which he, she, or they, are to receive interest, directly or indirectly, for the loan or forbearance of any money, goods, wares, merchandize, or other commodity, above the rate of ten per centum per annum, such person or persons, so offending, shall be liable to an indictment by a grand jury of the county in which such person or persons, may reside, and upon conviction thereof, before a petit jury, shall forfeit and pay the whole amount of the interest upon such contract, to be collected by execution, as in other cases. And in all cases, the obligor in such contracts, shall be a competent witness to prove the rate of interest; and the Judges of the Circuit Courts shall give this act in charge to the grand juries.

Sec. 9. *Be it further enacted*, That upon conviction being had on an indictment under this act, it shall be the duty of the Attorney for the Commonwealth, in all cases, to institute proceeding in the Circuit Court of the county in which the party or parties reside, by action of debt, or otherwise, in the name of the Commonwealth, against the obligor or obligors, in such contracts as are mentioned in the preceding section of this act, upon which judgment shall be rendered in favor of the Commonwealth for the principal, which may be found due upon such contract, and execution shall issue upon said judgment, as in other civil cases, and upon all recoveries in favor of the Commonwealth, either by indictment, or otherwise, under this act, twenty five per centum thereof shall go to the Attorney for the Commonwealth, and the balance shall be paid into the Public Treasury, and shall constitute a portion of the Sinking Fund.

Sec. 10. *Be it further enacted*, That all acts, or parts of acts, coming within the purview of this act, shall be, and same are hereby repealed, so far as concerns contracts hereafter to be made: *Provided*, That nothing in this act contained, shall be so construed as to affect any contract heretofore made.

Mr. W. C. Marshall moved to lay said bill on the table for the present.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Nuttall and Buford, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barnett,	Flournoy,	Marshall, W. N.
Biggs,	Garnett,	McCann,
Bowman,	Gholson,	Morin,
Bramlette,	Gilliam,	Petree,
Brawner,	Graham,	Prewitt,
Brien,	Harrison,	Rouse,
Brown, T. D.	Holbrook,	Skiles,
Buford,	Innes,	Taylor,
Carpenter,	Ireland,	Vance,
Chism,	Jefferson,	Vawter,
Chrisman, M. T.	Johnson, R. M.	Wand,
Coombs,	Kennedy, J.	Weir,
Conklin,	Kennedy, W.	Wolfe,
Fible,	Lykins,	Wortham—44.
Fletcher,	Marshall, W. C.	

Those who voted in the negative, were—

Mr. Speaker,	Cummins,	Sanders,
Messrs. Barbour,	Drake,	Smith, B.
Botts,	Forman,	Smith, J. Speed
Browder,	Hays,	Smither,
Brown, J. S.	Johnson, D. B.	Stone,
Bullock, W. F.	Karrick,	Thomasson,
Busby,	Kinkead,	Thompson,
Carlisle,	Kirtley,	Triplett,
Chowning,	Lewis,	Todd,
Chrisman, G. T.	McKee,	Welch,
Clarke,	Morgan,	White, D.
Conway,	Munday,	White, J.
Cornish,	Noe,	Wickliffe, R.
Cox,	Nuttall,	Wickliffe, R. L.
Craddock,	Rumsey,	Young—45.

Mr. W. C. Marshall then moved the following as a substitute for said bill, viz:

That no person shall, hereafter, upon any contract, take, directly or indirectly, for loan, wares or merchandize, or any other commodity, above the value of ten dollars, for each one hundred so loaned, for one year, and after that rate for a greater or less sum, or for a longer or shorter time: *Provided*, That no greater than at the rate of six per cent. per annum, shall be collected, unless it is otherwise agreed upon and specified in writing: *And, provided further*, That if any such contract, a greater rate of interest than ten per cent., as above provided for, should be received, or taken, the contract shall be deemed usurious, and there shall be no remedy at law, or in equity, for the recovery of any interest whatever.

SEC. 2. *Be it further enacted*, That this act shall not be construed to extend to contracts already made.

SEC. 3. *Be it further enacted*, That should any person charge and receive a greater rate of interest than ten per cent., for any such loan, as

aforesaid, he, she, or they, so offending, shall forfeit and pay said sum paid as interest: first, to any creditor or the payor who may have an execution returned "no property found," who shall have the exclusive right, at any time within three months from the payment and reception of any such interest, to file a petition before any Justice of the Peace, under his equitable jurisdiction, when the amount in controversy is recognizable before him, or a bill in chancery in the Circuit Courts where they have jurisdiction, to subject said interest, or so much thereof, as may be necessary to the payment of his debt; and upon failure to sue therefor, within three months, the Commonwealth shall have a concurrent right with the creditors, to recover the same, at any time within five years, by indictment or action of debt, before any court having jurisdiction in such cases; but the party who shall pay any usurious interest, over ten per centum, shall have the same right to recover it which now exists to recover usurious interest: *Provided*, That nothing herein contained shall subject the party, or his representatives, to whom such interest shall be paid, to re-pay more than the amount received, with interest thereon, at the rate of six per centum

Mr. Rouse then moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. W. C. Marshall and Kinkead, were as follows, viz:

Those who voted in the affirmative, were—

Messrs.	Barbour,	Cox,	Lykins,
	Barnett,	Craddock,	Morgan,
	Biggs,	Drake,	Noe,
	Brien,	Fible,	Nuttall,
	Browder,	Fletcher,	Paxton,
	Brown, J. S.	Flournoy,	Rouse,
	Brown, T. D.	Gholson,	Smith, J. Speed
	Buford,	Gilliam,	Stone,
	Bullock, W. F.	Graham,	Taylor,
	Busby,	Harrison,	Vance,
	Chism,	Hays,	Welch,
	Chrisman, G. T.	Johnson, D. B.	White, J.
	Clarke,	Kennedy, W.	Wickliffe, R. L.
	Coombs,	Kinkead,	Wolfe,
	Conway,	Kirtley,	Wortham—45.

Those who voted in the negative, were—

Mr.	Speaker,	Ireland,	Rumsey,
Messrs.	Basye,	Jefferson,	Sanders,
	Botts,	Johnson, R. M.	Skiles,
	Bramlette,	Karrick,	Smith, B.
	Brawner,	Kennedy, J.	Smither,
	Carlisle,	Marshall, W. C.	Swope,
	Chowning,	Marshall, W. N.	Thomasson,
	Chrisman, M. T.	McCann,	Thompson,

Conklin, Cornish, Cummins, Forman, Garnett, Holbrook, Innes, McKee, Martin, Morin, Munday, Petree, Prewitt, Triplett, Todd, Vawter, Weir, Wickliffe, R. Young—43.

The main question was then put—Shall the bill be engrossed and read a third time? and it was decided in the negative; and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. W. C. Marshall and Botts, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bowman, Brown, J. S. Bullock, W. F. Busby, Conway, Cornish, Craddock, Cummins, Drake, Fletcher, Harrison, Hays, Johnson, D. B. Karrick, Kinkead, Morgan, Noe, Nuttall, Rouse, Rumsey, Smith, J. Speed Stone, Taylor, Todd, Wakefield, Welch, Wickliffe, R. Wickliffe, R. L. Young—29.

Those who voted in the negative, were—

Mr. Speaker, Messrs. Barbour, Barnett, Basye, Biggs, Botts, Bramlette, Brawner, Brien, Browder, Brown, T. D. Buford, Carlisle, Chism, Chowning, Chrisman, G. T. Chrisman, M. T. Clarke, Coombs, Conklin, Cox, Fible, Flournoy, Forman, Garnett, Gilliam, Graham, Holbrook, Innes, Ireland, Jefferson, Johnson, R. M. Kennedy, J. Kennedy, W. Kirtley, Lykins, Marshall, W. C. Marshall, W. N. McCann, McKee, Martin, Morin, Munday, Paxton, Petree, Prewitt, Sanders, Skiles, Smith, B. Smither, Swope, Thomasson, Thompson, Triplett, Vance, Vawter, Weir, White, J. Wolfe, Wortham—60.

And then the House adjourned.

TUESDAY, FEBRUARY 22, 1842.

A message was received from the Senate announcing their concurrence in the adoption of resolutions from this House in relation to amendments to the Constitution of the United States, with an amendment; and had concurred in the amendment proposed by this House to a bill from that, entitled, an act to amend an act providing that the estates of persons dying without heirs or distributees shall vest in the Commonwealth, and for other purposes.

That they had passed bills from this House of the following titles, viz:

An act concerning the roads in Campbell county.

An act to amend an act, entitled, an act to establish and improve a State road from Landing, in Boone county, to intersect the Covington and Lexington turnpike road, approved January 29, 1836.

An act to establish a State road from the Ohio river to Albany, in Clinton county.

An act for the benefit of Richard Cundiffe, Sr.

An act to change the name of Rebecca Ann Smith, and for other purposes.

With amendments to the three last named bills.

And that they had passed bills of the following titles, viz:

An act to incorporate the town of Pleasureville.

An act to amend an act, entitled, an act to incorporate the city of Covington, approved February 24, 1834.

An act to amend an act, entitled, an act to incorporate a company to establish a turnpike road from the city of Louisville by the mouth of Salt river, Elizabethtown, Munfordsville and Bowlinggreen to the State line, in the direction of Nashville

An act to authorize the Clerk of the Woodford County Court to make out a general cross index to deeds and other papers of record in his office.

An act allowing additional Justices of the Peace to the counties of Spencer and Warren.

And had received official information from the Governor that he had approved and signed enrolled bills which originated in the Senate, of the following titles, viz:

An act to invest the Craddock fund.

An act to incorporate the Pilots' and Commercial Insurance Company.

An act to incorporate the Trustees of the Hawesville Seminary.

Approved February 18, 1842.

Mr. Vance, from the committee on Ways and Means, to whom was referred a bill from the Senate, entitled, an act for the benefit of the Sheriffs of Nicholas and Lawrence counties—reported the same without amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House again resumed the consideration of the bill from the Senate, entitled, an act to amend the several laws establishing common schools.

Mr. McKee moved the following amendment as a substitute for said bill, viz:

That an act, entitled, "an act to establish a system of common schools in the State of Kentucky," and all acts or parts of acts amendatory thereto, be, and the same are hereby, repealed.

Be it further enacted, That the Board of Education pay over to the Commissioners of the Sinking Fund all moneys now in their hands, and transfer to said Commissioners the bonds of the State held by said Board of Education, and all bank stock now held by said Board; and the Commissioners of said Sinking Fund shall cause the bonds aforesaid to be cancelled in presence of the Treasurer and First Auditor of Public Accounts, and proper entries to be made on the books of the Treasurer and Auditor; and report from time to time the number of bonds cancelled to the Legislature of this Commonwealth.

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon by Messrs. McKee and W. F. Bullock, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bowman,	Clarke,	Paxton,
Brien,	Coombs,	Petree,
Browder,	Conway,	Smither,
Brown, T. D.	Graham,	Stone,
Bullock, E. I.	Lykins,	White, J.
Busby,	Marshall, W. C.	Wortham,
Chrisman, M. T.	McKee,	Young—21.

Those who voted in the negative, were—

Mr. Speaker,	Fletcher,	Munday,
Messrs. Barbour,	Gaines,	Noe,
Barnett,	Garnett,	Nuttall,
Basye,	Gholson,	Prewitt,
Biggs,	Gilliam,	Rouse,
Botts,	Harrison,	Skiles,

Bramlette,	Hays,	Smith, B.
Brawner,	Holbrook,	Swope,
Brown, J. S.	Innes,	Taylor,
Buford,	Ireland,	Thomasson,
Bullock, W. F.	Jefferson,	Thompson,
Carlisle,	Johnson, D. B.	Todd,
Chambers,	Johnson, R. M.	Vance,
Chism,	Karrick,	Vawter,
Chowning,	Kennedy, J.	Wakefield,
Chrisman, G. T.	Kennedy, W.	Weir,
Conklin,	Kinkead,	Welch,
Cornish,	Kirtley,	Whaley,
Cox,	Lewis,	White, D.
Craddock,	Marshall, W. N.	Wickliffe, R.
Cummins,	McCann,	Wickliffe, R. L.
Drake,	Morgan,	Wolfe—68.
Fible,	Morin,	

Mr. Vance then moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the affirmative.

The main question was then put—Shall the bill, as amended, be read a third time? and it was decided in the affirmative.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Mr. R. Wickliffe, Jr., moved to amend said bill by adding thereto the following engrossed clause by way of ryder, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Trustees of every common school establishment in this State shall, twice in every year, examine the lists of scholars actually in attendance in their respective schools, and shall report the number of those whose parents or guardians, in their opinion, are able to pay for their tuition, and the number of those who are not; and the County Courts of the several counties of this Commonwealth shall have the power to levy an advalorem tax on the property in each distsict that may have adopted the common school system, sufficient to pay the tuition of all such scholars as are unable to pay: *Provided*, The said tax shall not exceed that now allowed by law; and the said tax, when levied, shall be paid over to the Commissioners of the common schools.

Sec. 2. The price of tuition of each scholar shall be fixed by the County Court: *Provided, however*, It shall not exceed ——— per year.

Sec. 3. That in the sparsely settled counties of this State, where such a course may be deemed necessary by the Commissioners of common schools, the said Commissioners shall have the power to employ itinerant instructors, who shall teach in more districts than one; and shall divide their time between their several districts, according to the direction of the said Commismissioners.

Mr. Monday then moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. R. Wickliffe, Jr., and W. N. Marshall, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,
Messrs. Basye,
Biggs,
Browder,
Brown, J. S.
Buford,
Bullock, W. F.
Busby,
Carlisle,
Chrisman, M. T.
Clarke,
Coombs,
Cornish,
Cox,
Craddock,
Cummins,
Fible,
Gilliam,
Harrison,
Hays,
Holbrook,
Innes,
Ireland,
Johnson, R. M.
Karrick,
Kennedy, J.
Kennedy, W.
Kinkead,
Kirtley,
Lewis,
Marshall, W. C.
Morgan,
Morin,
Munday,
Noe,
Paxton,
Petree,
Prewitt,
Rouse,
Rumsey,
Skiles,
Smith, B.
Smith, J. Speed
Swope,
Thomasson,
Thompson,
Vance,
Vawter,
Wakefield,
Weir,
White, D.
Wolfe—52.

Those who voted in the negative, were—

Messrs. Barbour,
Barnett,
Botts,
Bramlette,
Brawner,
Brien,
Chambers,
Chism,
Chowning,
Chrisman, G. T.
Conklin,
Conway,
Drake,
Fletcher,
Gaines,
Garnett,
Gholson,
Graham,
Jefferson,
Johnson, D. B.
Lykins,
Marshall, W. N.
McCann,
McKee,
Nuttall,
Sanders,
Smither,
Stone,
Taylor,
Todd,
Welch,
Whaley,
White, J.
Wickliffe, R. Jr.
Wickliffe, R. L.
Wortham,
Young—37.

The main question was then put—Shall the bill pass? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Botts and Rumsey, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,
Messrs. Barbour,
Bayse,
Biggs,
Fletcher,
Flournoy,
Gaines,
Garnett,
Nuttall,
Prewitt,
Rouse,
Rumsey,

Botts,	Gholson,	Sanders,
Bowman,	Gilliam,	Skiles,
Bramlette,	Harrison,	Smith, B.
Brawner,	Hays,	Smith, J. Speed
Brien,	Holbrook,	Smither,
Browder,	Innes,	Taylor,
Brown, J. S.	Ireland,	Thomasson,
Brown, T. D.	Johnson, D. B.	Thompson,
Bullock, E. I.	Johnson, R. M.	Triplett,
Bullock, W. F.	Karrick,	Todd,
Busby,	Kennedy, J.	Vance,
Carlisle,	Kennedy, W.	Vawter,
Chambers,	Kinkead,	Wakefield,
Chism,	Kirtley,	Weir,
Conklin,	Lewis,	Whaley,
Cornish,	Lykins,	White, D.
Cox,	Morgan,	Wickliffe, R. L.
Craddock,	Morin,	Wolfe,
Cummins,	Munday,	Wortham,
Fible,	Noe,	Young—72.

Those who voted in the negative, were—

Messrs. Barnett,	Drake,	Paxton,
Chowning,	Graham,	Petree,
Chrisman, G. T.	Jefferson,	Stone,
Chrisman, M. T.	Marshall, W. C.	Welch,
Clarke,	Marshall, W. N.	White, J.
Coombs,	McCann,	Wickliffe, R.—20
Conway,	McKee,	

Resolved, That the title thereof be as aforesaid.

Mr. Lewis moved a reconsideration of the vote refusing to engross and read a third time the bill to amend the laws in relation to the Lunatic Asylum.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. W. F. Bullock and Conklin, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Fletcher,	Munday,
Messrs. Barbour,	Garnett,	Noe,
Basye,	Gilliam,	Nuttall,
Biggs,	Hays,	Skiles,
Botts,	Holbrook,	Swope,
Bramlette,	Innes,	Thomasson,
Browder,	Johnson, R. M.	Todd,
Bullock, E. I.	Kinkead,	Vance,
Bullock, W. F.	Kirtley,	Vawter,
Chambers,	Lewis,	Weir,

Craddock,	Marshall, W. C.	Whaley,
Cummins,	McCann,	White, D.
Drake,	McKee,	Wickliffe, R.
Fible,	Morgan,	Wolfe—42.

Those who voted in the negative, were—

Messrs. Barnett,	Cornish,	Paxton,
Bowman,	Cox,	Petree,
Brawner,	Forman,	Prewitt,
Brien,	Gaines,	Rouse,
Brown, J. S.	Gholson,	Sanders,
Brown, T. D.	Graham,	Smith, B.
Buford,	Harrison,	Smither,
Busby,	Ireland,	Stone,
Carlisle,	Jefferson,	Taylor,
Chism,	Johnson, D. B.	Thompson,
Chowning,	Karrick,	Wakefield,
Chrisman, G. T.	Kennedy, J.	Welch,
Chrisman, M. T.	Kennedy, W.	White, J.
Clarke,	Lykins,	Wickliffe, R. L.
Coombs,	Marshall, W. N.	Wortham,
Conklin,	Morin,	Young—49.
Conway,		

Mr. Triplett, from the committee on Enrollments, reported that the committee had examined sundry enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act to incorporate the Physiological Temperance Society of the Medical Institute of Louisville.

An act to change the time of holding certain County and Circuit Courts.

An act to amend an act, entitled, an act to establish and improve a State road from Landing, in Boone county, to intersect the Covington and Lexington turnpike road, approved January 29, 1836.

An act concerning the roads in Campbell county.

An act for the benefit of William and Jacob Luce.

An act to change the times of holding the Circuit and County Courts of Simpson and Allen counties, and for other purposes.

An act for the benefit of the children of John and Susan Whip.

An act for the benefit of Elizabeth Green.

An act for the benefit of mechanics and others performing labour, or furnishing materials for the constructing or repairing of buildings, in the towns of Hickman and Frankfort.

And enrolled bills which originated in the Senate of the following titles, viz:

An act concerning bills of exchange.

An act to amend an act, providing that the estates of persons dying with-

out heirs or distributees shall vest in the Commonwealth, and for other purposes.

An act to incorporate the Funk Seminary.

An act granting a change of venue to John Hughes.

An act to authorize the County Court of Morgan county to straighten the State road.

An act to allow three additional Constables to Spencer county, and for other purposes.

An act for the benefit of the Sheriffs of Carter and Russell counties.

An act granting certain powers to the Bank of Kentucky.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Triplett inform the Senate thereof.

Mr. Cornish, from the committee on Military Affairs, to whom was referred bills from the Senate of the following titles, viz:

An act for the benefit of the Georgetown Light Artillery.

An act for the benefit of Henry O. Brown and others.

An act for the benefit of Thomas G. Tupman and his securities.

An act for the benefit of George W. Bush and others.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Cornish, from the same committee, to whom was referred the petition of John W. Finnell; the petition of John M. Bacon; the petition of John N. Nourse; the petition of Daniel Brown and Ann Allen—asked to be discharged from the further consideration of said petitions, which was granted.

Mr. Cornish, from the same committee, to whom was referred the petition of S. Cameron and others, asked to be discharged from the further consideration thereof, which was granted.

Ordered, That said petition be referred to Messrs. R. L. Wickliffe, Fletcher and Busby.

Mr. Cornish, from the same committee, reported the following bills, viz:

A bill for the benefit of the Versailles Artillery Company, and for other purposes.

A bill for the benefit of Jacob Rizer and others.

A bill for the benefit of the 15th regiment of Kentucky militia.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of said bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. J. Kennedy, from the committee on Agriculture and Manufactures, made the following report, viz:

The Committee on Agriculture and Manufactures have had under consideration the order of the House instructing them "to report the probable amount of hemp which could be water-rotted and furnished by Kentucky for the use of the Navy of the United States—the propriety of having the hemp partially manufactured by being spun at home, into twine, and whatever further statistics and information they may procure which may shed light upon this subject;" and now report the information they have obtained. They have not been able to procure satisfactory information in reference to the extent and expense of hemp manufacture in the United States, either by the Navy Department or by private industry; but it is believed that the facts herewith presented will be found pertinent to the objects of the resolution.

The amount of hemp annually consumed by the United States Navy is estimated at one thousand tons; and it is perfectly demonstrable that it is entirely in the power of Kentucky to furnish a much larger quantity. There is hardly a hemp-growing county in the State, which could not easily produce this amount of hemp and water-rot it, besides the grain and other crops necessary for subsistence. There can be no reasonable doubt entertained as to our capacities of production. The only difficulty is, in adopting the process of water-rotting. The means and facilities of adopting this process are various on various farms, some having water and favorable locations suitable for the operation, while others are not so fortunately circumstanced. But as to the general means of prosecuting this operation, if adequate rewards be offered for the staple prepared by this process, there can be no sort of doubt. And if a sufficient demand exist and satisfactory prices be offered, our farmers can and no doubt will supply, not only the amount consumed by the Navy, but the far greater quantity demanded for the wants of the merchant service of the United States. In addition to the means of those whose farms fortunately furnish available facilities of water-rotting, it is highly probable that, should the merchantmen as well as the Navy prefer their supplies of hemp of domestic growth, public water-rotting establishments will be conducted where those who have not the necessary facilities for carrying on the process, may either have it performed at satisfactory rates or sell the hemp in the straw. There is already an establishment in operation in Kentucky, which is water-rotting 200 tons of hemp purchased in the straw the present season. It is understood that this establishment procures the hemp straw in a county of which the annual product is estimated at 2,500 tons. So here is a single water-rotting establishment able to furnish one fifth of the demand of the Navy from a county producing more than twice the amount demanded. The Committee, therefore, consider this branch of their instructions fully disposed of.

In regard to the propriety of having the hemp spun into yarns here, it appears conclusive that it would mutually serve the interests of producer and consumer to have that operation performed at the point nearest the place of production. The reasons for this opinion are, that the transportation of hemp is more expensive and more dangerous than that of the man-

ufactured article; and the cost of manufacturing here would be lessened by our means of cheaper subsistence. The Committee entertain the confident belief that these inducements are strongly held forth to the general government, especially with reference to the manufacture of cordage and yarns; while they submit the opinion that sail cloth could be as well and cheaply manufactured here as in any part of the United States. The Federal Government, to insure the superior quality of her naval cordage, wisely manufactures for herself. A manufacturing establishment, under the direction of the Navy Department, can surely be as well conducted on the spot where the hemp is grown as elsewhere; and the motives to the manufacture at such point are furnished in the greater economy by which it may be here conducted.

But the Committee do not deem the subjects of the resolution disposed of by simply demonstrating our undoubted means of supplying the United States Navy with hemp or hempen fabrics. The commercial marine of the United States, it is estimated, consumes, annually, in cordage, sail cloth, &c. 12,000 tons of hemp. It is believed that the encouragement which the General Government is extending to the production of domestic water-rotted hemp, will ultimate in demonstrating the ability of Kentucky to supply, and the economy to both producer and consumer, to furnish and receive supplies of domestic hemp for the use of the entire merchant service as well as for the Navy. And, that considerations of economy to producer and consumer will lead to the establishment of manufactures of cordage and sail cloth in Kentucky, there is every reasonable ground of belief. A business, somewhat similar, the manufacture of bagging, bale rope, twine, &c. is one of the heaviest branches of industry in Kentucky, and with which, consequently, our people are familiar. Improvements, by means of machinery, superior to any elsewhere known, in the preparation, spinning and weaving of hemp, hitherto a laborious manual operation, are going on under the auspices of some of our ingenious and enterprising manufacturers, which promise the most gratifying success.

The Committee have compiled a table which is annexed, exhibiting the value of the imports of hemp, sail duck, and other manufactures of hemp, exclusive of cordage, tarred cables, untarred yarn, pack thread and seines, into the United States, for each of the four years ending on the 30th September, 1838. The average annual amount of cordage imported in the same period, was $234,177, which, for the most part, was again exported to South America and the East and West Indies. From the annexed table it will be found that the average annual import of hemp, for the above period, amounted in value to $585,209; of sail duck and other articles (excluding cordage, &c.) $730,304; and of hemp and manufactures aggregately, (excluding as before, cordage, &c.) $1,315,514. Estimating the average value of the raw hemp, imported at $200 per ton, the average annual quantity imported in the period above stated was 2,926 tons.

Imports of hemp and manufactures of hemp into the United States, commencing on the 1st October, 1834, and ending on the 30th September, 1838.

Species of imports.	1834—1835	1835—1836	1836—1837	1837—1838.
Hemp, - - -	$528,981	$815,558	$483,792	$512,506
Sail duck, - -	828,826	662,652	540,421	693,070
Other manufactures of hemp, - - -	39,032	54,459	55,467	47,292
Aggregate, - -	1,396,839	1,532,669	1,079,680	1,252,868

The statistical information given above, has been derived from the import tables in the American edition of M'Cullock's Dictionary of Science, a standard work of deservedly high authority. The information as to the amount of hemp consumed by the Navy and the mercantile marine, has been derived from unofficial sources, but is believed to approximate the truth.

All which is respectfully submitted,

JESSE KENNEDY, *Chairman.*

Ordered, That the Public Printer forthwith print 300 copies of said report for the use of the members of this House.

Mr. J. Kennedy, from the same committee, reported a bill prescribing additional duties to the Commissioners of taxes—which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. J. Kennedy, from the same committee, made the following report, viz:

The Committee on Agriculture and Manufactures, to whom was referred the petition of Chilton Allan and others, praying the establishment of Agricultural Schools, the execution of a Geological Survey and the collection of statistics of production and consumption, after much deliberation upon the duties appropriate to their position in the House, beg leave to report the result of their convictions. They entertain the opinion that, at all times, and more especially at the present, when all the industrial interests of the country are suffering great depression, the subjects naturally and appropriately in charge of the Committee on Agriculture and Manufactures, are of the most vital and general importance. They had, before the reference of the petition mentioned above was made to them, examined their own peculiar position in the House, with an earnest desire to meet its important duties and heavy responsibilities in such a manner as to deserve the approba-

tion of the House and the country; and, under a strong sense of the duty they owe to the particular interests committed to their charge, they have matured and now present, in the form of bills, two measures which they deem of the greatest efficiency in promoting the agricultural and manufacturing interests of the State, and, through them, all her other interests.

One of these measures, designed to procure accurate statistics of the real condition and efficiency of our productive industrial interests, it is proposed to execute by an amendment of the laws regulating the duties of the Commissioners of Taxes. The committee do not deem it necessary to enlarge upon the utility of accurate statistical information in regard to the important subjects of production and consumption. No Kentucky legislator has ever reflected upon the interests which it is his especial duty to promote, without finding himself greatly embarrassed by a want of reliable information as to their true character, extent, resources and wants; for there exists no source from whence he can derive any true and satisfactory knowledge on which he can safely rely for aid in legislating upon the means of promotnig the peculiar interests of the State. No one knows, and no one can satisfactorily even to himself guess, the amount of our production and consumption, nor the extent to which our true interests require our capacities to be urged. On all these important subjects, information, so necessary to the wise and effective discharge of legislative duties, is vague, confused, contradictory and unsatisfactory. Although we know that our greatest productions are domestic animals, hemp and tobacco, we neitheir know their relative nor their aggregate or separate value; and still less do we know any thing accurately of the extent of other branches of production; and, least of all, of our consumption. We cannot therefore tell when, where or how, to increase production nor diminish consumption, till disastrous experience teach us, as it has done the present year in the case of pork, that we have over-produced certain staples, and consumed, as is the case in regard to silks, wines, spirits and other things, more than we can conveniently pay for. There are no means of arriving at this desirable information but such as we ourselves shall create. As the most efficient measure which can at present be economically adopted, the committee have provided, in the bill herewith offered, that the Commissioners of Taxes shall, under the instructions of the Second Auditor, collect, under appropriate heads, the information desired. As the details of the bill are very simple and plain, the committee forbear going into explanation at large; and they feel that no argument will be necessary to demonstrate the utility of the information which will be the fruit of the measure. The experience of every legislator, who has in vain sought such knowledge to enlighten his path, will prove a powerful appeal in its favor; and when, in addition to the usefulness of such information in behalf of the legislature, it is considered that it will be of the greatest practical, economical value to our farmers, mechanics, manufacturers, tradesmen and merchants, enabling them to direct their operations by a light which cannot mislead, and deterring thousands from disastrous pecuniary adventures which are and will be pursued in the absence of such information, the committee feel that they need say no more to recommend the measure to the favorable consideration of the House.

Another measure of kindred character so far as its objects are regarded, the collection of useful economical information, but differing in the nature and means of its execution, the committee feel it their solemn duty to all

the great interests of this Commonwealth to propose; and they offer herewith a bill providing for the execution of a survey of the natural resources of the State. At all times, the execution of such a measure, designed as it is, to develope the natural resources of the State, would be an act of the deepest wisdom and the truest economy. But in the existing condition of our productive interests, when production in two of our heaviest staples, live stock and tobacco, has been carried too far, when the neighboring States, having cheaper land and as cheap labor, can successfully compete with us in the production of these heavy staples; and when interest and necessity compel us to give our labor a new direction for the production of other exports not subjected to like disastrous competition, the measure presses itself upon our consideration with a force of appeal which we cannot, if we would, resist. A thorough and systematic exploration of the natural resources of the State is a measure as necessary to be executed for the intelligent and successful promotion of her interests, as a knowledge of his means and qualifications is for the private individual engaging in any branch of productive industry. The accurate and thorough execution of the proposed measure would render an efficient service, and at the present moment a peculiarly seasonable service, to the interests of agriculture, manufactures, commerce and science; and the committee proceed to a brief statement of some of the benefits which may be reasonably and confidently expected from it. It will result in apprising landed proprietors of resources in mineral wealth, of which they are now ignorant; enable them to appreciate and profit by those already known; inform the people what particular mineral substances may be expected in the various sections of the State; indicate the best means of searching for them, and recognizing them when found; tend to encourage mining enterprises, where there is a certainty of success, and to repress and expose their fallacy, where there are not sufficient indications to justify expenditure; diffuse the various kinds of knowledge necessary in mining and metallurgic operations; attract public attention to the mineral wealth of the State; cause an additional influx of population and capital to extract the mineral substances for use and transportation to market; raise the value of mineral and agricultural lands; and give an additional impulse to general industry and enterprise in all branches of productive industry, which, already, are adding millions to the wealth and happiness of the community. Another effect, consequent upon the preceding, will be an increased demand for subsistence, for mechanical and professional labor of every kind, and all the necessaries and wants of civilized life, the operation of which will impart a higher tone and vigor to every branch of business. The beneficial results of such surveys are already felt in the various States that have authorized them; a progressive impulse has been given; and no State, if she would keep pace in prosperity and knowledge with her sisters, can long consent to remain ignorant of her natural resources, when the expenditure of a few thousands of surplus capital will educe a knowledge of those resources which will be instrumental in returning millions to her citizens and her treasury. The increased wealth which would be the direct consequence of the development of the natural treasures now lying useless in the earth, would more than amply repay the expenses of a survey. In illustration of this, facts known to the House will be relied on. We are annually importing from other States and from abroad, large amounts of iron and salt, not to specify other consumptions, while un-

manufactured, and therefore, profitless quantities of those indispensable minerals exist in this State, not only sufficient for home supply, but for exportation; and all that is necessary to bring them into our markets, in their manufactured and useful forms is, that competent geologists should point out to the people their positions and proper places of profitable manufacture. Those who own the lands on which they exist, now of no more value than unsmelted ore and subterraneous streams of saline water, would be immediately prompted by self interest to derive profit from them and thus confer benefits on the whole State. Pages might be filled in merely citing the direct advantages which the agriculturists, manufacturists, and other productive classes, would derive from the analysis of the various soils, and the mineral means of improving them, such as gypsum, marl, &c., from the discovery of the exact locations of clay, flint, &c. proper for potteries and glass works; and from the coal, marble, hydraulic lime, and many other minerals, employed in the economical uses of man. But it cannot be necessary to dilate these illustrations; and the committee conclude this branch of the subject by stating that the Kentucky State Agricultural Society have urgently prayed the execution of this measure as appears by a resolution of that association unanimously adopted at its late annual meeting. The unanimity of so large a body of intelligent citizens from every part of the State, is not only strong presumptive evidence of the popular sentiment upon the merits, but of the wisdom of the measure which that society has so often called on the Legislature to carry into effect.

Not only the direct, but the consequential advantages, of developing the mineral resources of the country, would be very great. All persons engaged in working on them or transporting them to market in their manufactured forms, would be fed by the farmers and clothed by manufacturers, thus affording a new market for agricultural and manufactured produce. Every new or increased branch of industry naturally arising from the development of resources within any country, benefits all who inhabit it, and tends not only to increase individual but national wealth. All wealth is the result of labor judiciously and skilfully applied. The more objects, therefore, there are within a State, on which labor can profitably operate, the more will the State increase in population, resources and wealth. And to the extent of this progression, there is no limit, until the population exceed all the profitable means of employing labor.

The committee believe it cannot be necessary to enter further into illustrations of the benefits of such a survey; but they feel called on to defend the plan of execution the bill proposes, and to justify the expenditure of the sum it appropriates. The plan contemplates the employment of eight scientific and practical gentlemen, namely, one Chief Geologist, three assistant Geologists, one Chemist and Mineralogist, one Botanist, one Zoologist, and one Palæontologist. The committee propose this organization, because, upon investigation of the modes of execution adopted in other States, and upon a full view of all the considerations involved, they believe it the most efficient and economical. It is true that the mere geological exploration of the State might be accomplished by a less force and with a less annual expenditure; but all the economical and scientific results, desired and contemplated, could not be procured at a less ultimate expense than the bill proposes. To perfect the botanic, zoological and fossiliferous history of the State, and especially so far as those branches of natural science effect her eco-

nomical interests, is an object of importance only surpassed by that of a geological survey. The subjects are indeed so naturally allied, that the committee cannot, in justice to the economical and scientific interests of the State, separate them. It will be money injudiciously directed, or rather, not directed most judiciously, to execute the measure in a feeble and ineffectual manner. And the economical results of the survey will, in a pecuniary sense alone, be worth infinitely more to the government and people than its cost. It has been hitherto objected to this measure, that the embarrassments of the Treasury forbade incurring its expense. It is true that, when heretofore proposed, the Treasury was in a state of deficit; but that state of fact cannot now be urged. All the liabilities of the State, in whatever branches of disbursement, are met honorably and punctually by her ready and available means; and she has now, for the first time in many years, a surplus on hand far larger than demanded by this bill, to say nothing of the proposed reduction of expenditures and the prospective recept of her share of the proceeds of the public lands. It is true she has a debt to pay in the future. But she has abundant means to pay that debt; and the execution of this measure will contribute infinite additional resources to those means; and now is precisely the most appropriate and seasonable time when she should be engaged in developing and availing of them. Her action under this suggestion would but imitate the wisdom of that farmer, who, pressed by an unusual debt, instead of groaning under the weight of his liability, judiciously invests a portion of his capital in manuring his soil to increase his means of production and payment.

On the subject of the establishment of Agricultural Schools, the committee have not been able to mature a measure answerable to the great objects aimed at. More time and more information are needed to prepare a plan of systematic agricultural education, which would be general, practical and effective in its operation. The committee, however, do not doubt the utility and practicability of establishing schools in which a knowledge of the theory and practice of agriculture, in its various branches, may be thoroughly taught. Well attested accounts of the success and utility of such institutions in Europe, have been spread from time to time before the public; but no accurate, specific and practical information, so necessary to the arrangement of a plan of conducting an enterprise of such infinite importance, has been brought to the view of the committee; and for these reasons, they are content, for the present, to leave the subject in the hands of the country, for more full investigation. It cannot be long, ere, in the progress of education, this subject will powerfully arrest the public attention; and if, as the committee believe, it be true that true education consists in fitting man to perform all the duties of life with the greatest possible efficiency and satisfaction; the necessity of adopting adequate means for the most effective education of the most numerous class of our citizens, the farmers, will weigh so strongly with the people, as to induce them to require suitable provision for the momentous object. The committee are the more content to offer no measure of legislation on this subject to the consideration of the House, as the two bills they herewith report, provide for the procurement of information upon the general wants and interests of the country, necessary and preliminary to any general educational measure. They feel assured that the execution of the laws they propose, will ultimately conduce to the establishment of that true policy by which the physical and

intellectual resources of the country will be fully developed; and, in conclusion, they pray the favorable consideration of the House upon them.

Respectfully submitted,

JESSE KENNEDY, *Chairman.*

Ordered, That the Public Printer forthwith print 300 copies of said report for the use of the members of this House.

Mr. J. Kennedy, from the same committee, reported a bill providing for a systematic survey of the natural resources of the State, which was read the first time as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a thorough and complete geological survey of the State, is hereby authorized and directed to be executed, and that the Governor be, and he is hereby, authorized and directed to appoint, by and with the advice and consent of the Senate, a Chief Geologist, who shall have the general charge and supervision of the survey; and the said Chief Geologist shall appoint three assistant Geologists, one Mineralogist and Chemist, one Botanist, one Zoologist, and one Palæontologist, each competent in his respective department, subject to the approval of the Governor, who shall assist him in the discharge of the duties required by this act; and the sum of $10,000 per annum, for four years, is hereby appropriated to complete the survey, to be paid by the Treasurer, on the order of the Chief Geologist, who shall be held responsible to the State for the integrity of its disbursement, under such regulations as the laws or the Governor may direct. The Chief Geologist shall prescribe the duties of the assistants, who, together, shall form a corps for the natural survey of the State, and they shall be held accountable to him and to the laws, for the faithful performance of said duties. Each of the three Assistant Geologists shall have charge of the investigations in his particular district, which shall be assigned him by the Chief Geologist. They shall examine county by county, observing and examining all the rocks, minerals, soils, and mineral springs; and they shall trace out the mineral deposits, rocks, quarries, mines, marbles, peat, marl, and other mineral substances, and their extent, and estimate the quantity, facilities for working and mining, transport to market, and in fact every thing that may render them available and valuable to their owners; and they shall inform the owners of their discoveries on their estates, before any information is communicated to any other individual; and finally, at the close of each season, they shall report the economical results of their examinations to the Chief Geologist against such day as he may direct, so that he may make his annual report seasonably to the Legislature. The Mineralogist and Chemist shall give a description of all the localities of the various minerals, with their uses and practical applications; and also, an analysis of all the minerals, mineral waters, soils, &c. with a view to improve modes of application, manufacture or cultivation; and he shall have a chemical laboratory located at the seat of government, for the analysis of the minerals, ores, soils, mineral waters, &c. in such a state of efficiency, that the various mineral substances, soils, mineral waters, &c. sent there by citizens of the different counties of the State, shall be analyzed and the results made known to those furnishing the specimens; and he shall also report annually, to the Chief Geologist, the result of his investigations, analysis and labors. The

Botanist shall make a Botanical survey of the State, and shall give descriptions, not only of all trees and plants of natural growth, but also of every thing connected with the best modes of culture, and of trees and plants which may be profitably introduced into the State from other lands, and of obviating the various diseases of plants and trees, and particularly those that are extensively cultivated, as grains, fruits, esculent roots, hemp, tobacco, &c.; and he shall make annual report of his labors to the Chief Geologist. The Zoologist shall give a description of all the animals, birds, insects, fishes, reptiles, shells, &c. of the State, with the best modes of breeding and rearing those that are useful, and of obviating the effects of noxious insects, animals or birds, which frequently destroy or injure the crops of the agriculturist; and he shall make annual report of his labors to the Chief Geologist. The Palæontologist shall examine and describe all the fossil remains and petrifactions found in the State, and shall make his annual report to the Chief Geologist. And the Governor shall give such instructions to the Chief Geologist as shall secure an accurate and complete survey of the natural resources of the State, embracing the departments of Geology, Mineralogy and Chemistry, Botany, Zoology and Palæontology, who shall report annually to the Legislature, the economical results of the survey, in order that the people may reap some of the benefits during its progress. The Chief Geologist shall have all mines, quarries, mineral beds, ores, mineral waters, &c. examined during the survey, if application be made by the proprietors, and to give an opinion on consultation, as to the probable success of working any particular mine, mineral, quarry, mineral water, &c. and he shall prepare a geological map of the State, after the completion of the field duties of the survey, with suitable sections, diagrams, &c. to illustrate the geological structure of the State; and he shall, also, prepare a detailed report after the completion of the survey, describing and illustrating clearly, the Geology and Mineralogy, both scientific and economical, of the State, together with the results of the analysis of such minerals, ores, salts, soils, mineral waters, &c. as shall have been analyzed during the progress of the survey. And the Governor or Chief Engineer of the State shall, when requested by the Chief Geologist, cause to be executed by some member of the corps of Engineers in the employ of the State, or other competent person, a topographical survey of the State, as a basis of an accurate geological map, which geological map shall show the extent and distribution of each of the rocks, minerals, mines, quarries, mineral springs, &c. of the State, the result of which topographical svrvey, accompanied by proper maps and diagrams, shall be reported to the Chief Geologist, for his use in the discharge of his duties. The Chief Geologist shall, if he think proper, add to the duties imposed by this act upon the Assistant Geologists, Mineralogist and Chemist, Botanist, Zoologist, Palæontologist and Topographical Engineer, and they shall each be held bound to obey his written instructions. The Botanist and Zoologist, shall, also, after the final completion of the survey, each make a final report to the Legislature, embracing, and properly arranging, all the details of the economical and scientific results of their labors. And the maps, diagrams, and specimens of the rocks, minerals, ores, soils, botanic and zoological productions of the State, shall be deposited in the State Library, or other suitable place approved by the Governor, and such portions of them as the Governor may direct, shall be deposited in such literary institutions as he may designate.

Sec. 2. *Be it further enacted*, That the Governor shall require of each of the persons employed to execute the duties prescribed by this act, bond, with sufficient security, for the faithful performance thereof; and the amount of annual salary stipulated to be paid to each of them, shall be approved by him, the aggregate of the whole, including the expenses of the Chemical Laboratory and fixtures, not exceeding the amount hereby annually appropriated.

Sec. 3. *Be it further enacted*, That the Governor shall have power, for incompetency or other good reason, to be reported to the General Assembly, to dismiss any one or more of the persons employed to execute the duties prescribed by this act, during the execution of the survey; and the Legislature reserves the right to increase or reduce the plan of the survey, or to discontinue it at pleasure.

Mr. Coombs moved to lay said bill on the table for the present.

And the question being taken thereon, it was deciced in the affirmative.

The yeas and nays being required thereon by Messrs. E. I. Bullock and Triplett, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barnett,	Cummins,	McKee,
Biggs,	Drake,	Morgan,
Bowman,	Fletcher,	Morin,
Brawner,	Garnett,	Paxton,
Brien,	Gholson,	Petree,
Brown, J. S.	Gilliam,	Prewitt,
Brown, T. D.	Graham,	Smith, B.
Buford,	Hays,	Smith, J. Speed
Carlisle,	Ireland,	Stone,
Chism,	Johnson, D. B.	Weir,
Chowning,	Karrick,	Welch,
Clarke,	Kennedy, W.	White, D.
Coombs,	Kinkead,	Wickliffe, R.
Conklin,	Lykins,	Wickliffe, R. L.
Cornish,	McCann,	Young—46.
Cox,		

Those who voted in the negative, were—

Mr. Speaker,	Forman,	Rouse,
Messrs. Barbour,	Gaines,	Sanders,
Botts,	Harrison,	Smither,
Bramlette,	Holbrook,	Taylor,
Browder,	Innes,	Thomasson,
Bullock, E. I.	Jefferson,	Thompson,
Bullock, W. F.	Johnson, R. M.	Triplett,
Busby,	Kennedy, J.	Todd,
Chrisman, G. T.	Kirtley,	Vance,
Chrisman, M. T.	Lewis,	Vawter,
Conway,	Marshall, W. C.	Wakefield,

Craddock,	Marshall, W. N.	White, J.
Fible,	Noe,	Wolfe—41.
Flournoy,	Nuttall,	

Mr. J. Speed Smith presented the petition of Charles G. Morris, praying compensation for services rendered in the Register's office—which was received, the reading thereof dispensed with, and referred to the committee on Claims.

The amendments proposed by the Senate to bills from this House of the following titles, viz:

An act to incorporate the town of Independence in the county of Kenton.

An act for the benefit of Richard W. Hawkins, deputy Sheriff of Carroll county.

An act for the divorce of Robert S. Brame.

An act to legalize the marriage of James Lashbrook and Nancy Burkhead.

An act for the benefit of the Sheriffs of Meade, Hart and Marion counties.

An act for the benefit of Sarah Gough.

An act to amend an act, entitled, an act to amend and reduce into one the several acts regulating the town of Henderson, approved January 21, 1840.

An act to establish a State road from the Ohio river to Albany, in Clinton county.

An act for the benefit of Richard Cundiffe, Sr.

An act to change the name of Rebecca Ann Smith, and for other purposes.

Were twice read, and concurred in.

The amendments proposed by the Senate to a bill from this House, entitled, an act to change the terms of certain Circuit Courts in the 17th Judicial district—were twice read and concurred in, with an amendment.

A message was received from the Senate announcing that they had passed a bill, entitled, an act to amend the law concerning the probate of wills.

And a preamble and resolutions in relation to the settlement of the accounts of the Green river Commissioners.

The said preamble and resolutions were then twice read and adopted.

Bills from the Senate of the following titles, viz:

An act to reduce the number of Justices of the Peace in Nicholas county.

An act to incorporate the Greenup Iron Manufacturing Company under the general law.

An act to amend the law concerning the revivor of suits.

An act to amend the revenue law.

An act for the benefit of Mary Hyatt and her children.

An act for the benefit of Harrison Rankins and wife and children.

An act for the benefit of the widow and heirs of John T. Langhorne, deceased.

An act for the benefit of Richard T. and John H. Allison.

An act to amend an act, entitled, an act appointing Commissioners to lay off and mark a State road from Harrodsburg to Smithland, in the county of Livingston, approved February 9, 1828.

An act for the benefit of common schools in Franklin county.

An act to amend an act to allow the Independent Banks of this Commonwealth further time to settle their concerns.

An act further to amend the charter of the Mechanics Savings' Institution of the city of Louisville.

An act for the benefit of the Female Academies of Nazareth and Loretto.

An act allowing an additional Constable to Lawrence county, and for other purposes.

An act for the benefit of Lud Fore.

An act to change the name of William O. Gallihew to that of William Rice.

An act for the benefit of the heirs of Knight B. Curd, late of Warren county, Kentucky.

An act for the divorce of Elisha Weller.

An act granting a change of venue to Vardeman Faris.

An act to regulate elections in the county of Marshall, and for other purposes.

An act to attach the county of Crittenden to the 16th judicial district.

An act for the benefit of certain Sheriffs.

An act to authorize the Trustees of the town of Mayfield to sell a lot known on the plan of said town, as the "College lot," and purchase another.

An act allowing further time to the 32d Regiment Kentucky Militia to hold their Court of Assessment.

An act to extend the time of receiving and registering head-right plats and certificates, and legalizing those received since the old law expired.

An act to amend the law in relation to the collection of fee bills in this Commonwealth.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of said bills having been dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A bill from the Senate, entitled, an act to give an additional term to the Hardin Circuit Court, was read the first time, and ordered to be read a second time.

Bills from the Senate of the following titles, viz:

An act to amend the law which provides for condemning land for public purposes.

An act to require persons failing to list their taxable property with the Commissioner, to list the same with the Clerk of the County Court.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with,

The said bills were then amended.

Ordered, That said bills, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A bill from the Senate, entitled, an act to establish two additional election precincts in the county of Carter, was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

The said bill was then amended.

Ordered, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be amended to read as follows: "An act to establish two additional election precincts in the county of Carter, and for other purposes.

Mr. Graham, from the select committee, reported a bill for the benefit of Peter Dupauw—which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Vance moved a re-consideration of the vote passing a bill prescribing additional duties to the Commissioners of taxes.

And the question being taken thereon, it was decided in the affirmative.

On motion of Mr. J. Kennedy, the vote ordering said bill to be engrossed and read a third time was re-considered.

On motion of Mr. McCann,

Ordered, That said bill be laid on the table for the present.

A bill from the Senate, entitled, an act for the benefit of the infant heirs

of Tabitha Gooch, dec'd—was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of said bill having been dispensed with,

The question was then taken on the passage of said bill, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. Nuttall and Botts, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Biggs,	Garnett,	Skiles,
Botts,	Gholson,	Smith, B.
Bramlette,	Gilliam,	Taylor,
Brawner,	Holbrook,	Thomasson,
Brien,	Innes,	Thompson,
Browder,	Jefferson,	Triplett,
Brown, T. D.	Johnson, D. B.	Todd,
Buford,	Lewis,	Vance,
Bullock, W. F.	Marshall, W. C.	Wakefield,
Carlisle,	McCann,	Weir,
Chism,	Morgan,	Whaley,
Chowning,	Morin,	White, D.
Chrisman, G. T.	Munday,	Wickliffe, R. L.
Chrisman, M. T.	Petree,	Wolfe,
Cox,	Prewitt,	Wortham,
Fible,	Rouse,	Young—49.
Forman,		

Those who voted in the negative, were—

Mr. Speaker,	Fletcher,	McKee,
Messrs. Barbour,	Flournoy,	Noe,
Barnett,	Gaines,	Nuttall,
Bullock, E. I.	Graham,	Paxton,
Busby,	Hays,	Sanders,
Carpenter,	Ireland,	Stone,
Coombs,	Johnson, R. M.	Vawter,
Conklin,	Karrick,	Welch,
Conway,	Kennedy, J.	White, J.
Cornish,	Lykins,	Wickliffe, R.—32
Cummins,	Marshall, W. N.	

Resolved, That the title thereof be as aforesaid.

A bill from the Senate, entitled, an act concerning the Maysville and Mt. Sterling turnpike road, was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

On motion of Mr. Carlisle, the said bill was then amended.

Ordered, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be amended to read—"An act concerning the Maysville and Mt. Sterling turnpike road; and to authorize the County Court of Kenton to convey certain lots of ground.

A bill from the Senate, entitled, an act to amend an act, entitled, an act to appoint patrollers in the Commonwealth of Kentucky—was read the first time, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the above recited act, as limits the County Courts to fifty cents on each black tythe, is hereby repealed; and that said courts shall have the power and authority to impose a tax of not exceeding one dollar on each black tythe in their respective counties, a majority of the Justices in commission concurring therein, for defraying the expenses that may be incurred by carrying said act into effect.

Ordered, That said bill be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Mr. Fletcher moved the following amendment to said bill, viz:

Provided, however, That so much of the act of 1833 as prohibits the citizens of Kentucky from importing into this State for his, her or their own use, be, and the same is hereby, repealed.

Mr. Gholson then moved to lay said bill and amendment on the table for the present.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. R. L. Wickliffe and Conway, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Biggs,	Graham,	Smither,
Bowman,	Harrison,	Taylor,
Brown, T. D.	Kennedy, W.	Thomasson,
Coombs,	Kinkead,	Triplett,
Flournoy,	Morgan,	Wakefield—17.
Gholson,	Petree,	

Those who voted in the negative, were—

Mr. Speaker,	Craddock,	Morin,
Messrs. Barbour,	Cummins,	Munday,
Barnett,	Drake,	Noe,
Botts,	Fletcher,	Paxton,
Bramlette,	Forman,	Prewitt,
Brawner,	Gaines,	Sanders,
Brien,	Garnett,	Skiles,
Browder,	Gilliam,	Smith, B.

Bullock, E. I.	Hays,	Stone,
Bullock, W. F.	Holbrook,	Swope,
Busby,	Innes,	Todd,
Carlisle,	Ireland,	Vawter,
Carpenter,	Jefferson,	Weir,
Chism,	Johnson, D. B.	Welch,
Chowning,	Johnson, R. M.	Whaley,
Chrisman, G. T.	Kennedy, J.	White, D.
Chrisman, M. T.	Lykins,	White, J.
Clarke,	Marshall, W. C.	Wickliffe, R.
Conklin,	Marshall, W. N.	Wickliffe, R. L.
Conway,	McCann,	Wolfe,
Cornish,	McKee,	Young—64.
Cox,		

Mr. E. I. Bullock then moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the affirmative.

The main question was then put—Shall the bill be read a third time? and it was decided in the affirmative.

A bill from the Senate, entitled, an act concerning turnpike roads in this Commonwealth, was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of said bill having been dispensed with,

The question was then taken on the passage of said bill, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. Munday and Nuttall, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Fible,	Petree,
Messrs. Barbour,	Fletcher,	Prewitt,
Barnett,	Flournoy,	Rouse,
Biggs,	Forman,	Skiles,
Botts,	Garnett,	Smith, B.
Bowman,	Gholson,	Smith, J. Speed
Bramlette,	Gilliam,	Smither,
Brawner,	Graham,	Stone,
Brien,	Holbrook,	Swope,
Browder,	Innes,	Taylor,
Buford,	Jefferson,	Thomasson,
Bullock, E. I.	Johnson, D. B.	Thompson,
Bullock, W. F.	Johnson, R. M.	Triplett,
Busby,	Karrick,	Todd,
Carpenter,	Kennedy, J.	Vance,
Chism,	Kennedy, W.	Vawter,
Chowning,	Kinkead,	Wakefield,

Chrisman, G. T.
Chrisman, M. T.
Clarke,
Conklin,
Cornish,
Cox,
Craddock,
Cummins,
Drake,
Lewis,
Marshall, W. C.
Marshall, W. N.
McCann,
McKee,
Morgan,
Morin,
Nuttall,
Paxton,
Weir,
Welch,
Whaley,
White, J.
Wickliffe, R.
Wolfe,
Wortham,
Young—77.

Those who voted in the negative, were—

Messrs. Gaines,
Hays,
Ireland,
Lykins,
Munday,
Sanders,
White, D.
Wickliffe, R. L.—8

Resolved, That the title thereof be as aforesaid.

A bill from the Senate, entitled, an act in relation to free negroes and mulattoes, was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

The question was then taken on reading said bill a third time, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. Vance and Nuttall, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,
Messrs. Barbour,
Barnett,
Biggs,
Botts,
Bowman,
Bramlette,
Brawner,
Brown, T. D.
Bullock, E. I.
Busby,
Chowning,
Chrisman, G. T.
Chrisman, M. T.
Conway,
Cox,
Forman,
Gaines,
Garnett,
Graham,
Holbrook,
Ireland,
Johnson, R. M.
Karrick,
Kennedy, J.
Kinkead,
Lykins,
Marshall, W. C.
McCann,
McKee,
Morgan,
Munday,
Petree,
Prewitt,
Rouse,
Sanders,
Skiles,
Smither,
Taylor,
Triplett,
Todd,
Vawter,
Welch,
Whaley,
White, D.
Wickliffe, R.
Wickliffe, R. L.
Young—48.

Those who voted in the negative, were—

Messrs. Brien,
Browder,
Buford,
Carpenter,
Flournoy,
Gholson,
Gilliam,
Hays,
Rumsey,
Stone,
Swope,
Thomasson,

Chism,	Innes,	Thompson,
Clarke,	Jefferson,	Vance,
Conklin,	Kennedy, W.	Wakefield,
Cornish,	Marshall, W. N.	Weir,
Craddock,	Morin,	White, J.
Cummins,	Nuttall,	Wolfe.
Drake,	Paxton,	Wortham—34.
Fletcher,		

A bill from the Senate, entitled, an act concerning runaway slaves, was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

The said bill was then amended.

Mr. Smither then moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Fletcher and R. L Wickliffe, were as follows, viz:

Those who voted in the affirmative, were—

Messrs.	Barnett,	Johnson, R. M.	Prewitt,
	Bramlette,	Karrick,	Rouse,
	Browder,	Lykins,	Skiles,
	Brown, T. D.	Marshall, W. C.	Smither,
	Buford,	Marshall, W. N.	Swope,
	Chism,	McCann,	Thomasson,
	Chrisman, G. T.	McKee,	Vance,
	Clarke,	Munday,	Vawter,
	Craddock,	Noe,	Wakefield,
	Garnett,	Nuttall,	Weir,
	Graham,	Paxton,	Whaley,
	Ireland,	Petree,	White, D.—37.
	Jefferson,		

Those who voted in the negative, were—

	Mr. Speaker,	Cornish,	Morin,
Messrs.	Barbour,	Cox,	Stone,
	Biggs,	Cummins,	Thompson,
	Botts,	Fletcher,	Triplett,
	Bowman,	Forman,	Todd,
	Brawner,	Gaines,	Welch,
	Brien,	Gholson,	White, J.
	Bullock, W. F.	Harrison,	Wickliffe, R.
	Busby,	Innes,	Wickliffe, R. L.
	Carpenter,	Kennedy, J.	Wolfe,
	Chrisman, M. T.	Kinkead,	Wortham,
	Conklin,	Morgan,	Young—37.
	Conway,		

And then the House adjourned.

WEDNESDAY, FEBRUARY 23, 1842.

A message was received from the Senate, announcing the passage of bills from this House of the following titles, viz:

An act for the benefit of Nicholas L. Oliver, late Sheriff of Henry county.

An act for the benefit of the Sheriff of Laurel county.

An act for the benefit of the Clerks of the Garrard and Hart County and Circuit Courts.

An act for the benefit of Benjamin Wickersham.

An act to establish a tobacco inspection at Montezuma.

With an amendment to the last named bill.

That they had passed bills of the following titles, viz:

An act regulating tolls on turnpike roads in which the Commonwealth is a joint stockholder, and for other purposes.

An for for the benefit of Luther Smith, of Bourbon county.

An act for the benefit of David A. Sayre.

An act authorizing additional Trustees to the Hopkinsville Seminary, situated in the town of Madisonville.

An act to amend the law concerning changes of venue.

An act for the benefit of Thomas Prator, committee for Josiah Prator, an idiot.

An act for the benefit of William Ward, of Carter county.

An act to reduce the salary of the President of the Bank of the Commonwealth.

1. Mr. W. F. Bullock presented the memorial of Sylvester Welch in relation to charges made against him by M. R. Stealey.

2. Mr. R. M. Johnson presented the memorial of George W. Kouns and others, of Carter county, remonstrating against any action on the part of this House in favor of a repeal of the bankrupt law.

3. Mr. Morin presented the petition of sundry citizens of Campbell county, praying the passage of a law more effectually to prevent trespasses on real estate.

4. Mr. Vance presented the petition of sundry citizens of Jefferson county, in favor of a Commonwealth's Bank.

5. Mr. Drake presented the petition of Frederica L. Schuissler, praying to be divorced from her husband.

Which were received, the reading thereof dispensed with, (except the 1st and 4th, which were read,) and the 2d and 4th laid on the table; the 3d was referred to the committee for Courts of Justice; and the 5th to the committee on Religion.

Ordered, That the Public Printer forthwith print 150 copies of the first for the use of the members of the General Assembly.

Mr. W. N. Marshall, from the committee on Privileges and Elections, made the following report, viz:

The committee of Privileges end Elections have, according to order, had under consideration the returns of the Sheriffs of this Commonwealth, and make thereon the following report.

That, in the opinion of this committee, the following gentlemen are returned as duly elected to serve as members of the House of Representatives for the present General Assembly, viz:

From the county of *Adair*—William C. Paxton.
From the county of *Allen*—Samuel E. Carpenter.
From the county of *Anderson*—Keeling C. Gaines.
From the county of *Bourbon*—Jesse Kennedy and Elezemond Basye.
From the county of *Bullitt*—William R. Thompson.
From the county of *Breckinridge*—Benjamin Smither.
From the county of *Bath*—Taliaferro P. Young.
From the county of *Boone*—Edmund F. Vawter.
From the county of *Barren*—Richard Garnett and James Cummins.
From the county of *Bracken*—William C. Marshall.
From the counties of *Butler* and *Edmonson*—William N. Wand.
From the county of *Christian*—Daniel H. Harrison and James Gholson.
From the county of *Calloway*—James Brien.
From the county of *Clarke*—James V. Karrick.
From the counties of *Clay* and *Perry*—Daugherty White.
From the counties of *Cumberland* and *Clinton*—Thomas E. Bramlette.
From the counties of *Carroll* and *Gallatin*—Samuel Sanders, Jr.
From the county of *Casey*—Winston Bowman.
From the county of *Caldwell*—Thomas J. Flournoy.
From the county of *Cambpell*—George Morin.
From the county of *Daviess*—George W. Triplett.
From the county of *Estill*—Berry Stone.
From the county of *Fleming*—George W. Forman and W. S. Botts.
From the county of *Fayette*—Neal M'Cann, Robert S. Todd and Robert Wickliffe, Jr.
From the county of *Franklin*—Charles S. Morehead.
From the counties of *Floyd* and *Pike*—John P. Martin.
From the county of *Graves*—John Wortham.
From the county of *Greenup*—Robinson M. Biggs.
From the county of *Garrard*—George R. M'Kee.
From the county of *Green*—Willian N. Marshall and Thomas R. Barnett.
From the county of *Grant*—Peter Ireland.
From the county of *Grayson*—William L. Conklin.
From the county of *Hardin*—William Conway and Thomas D. Brown.
From the county of *Hickman*—Robert N. Lewis.
From the county of *Harrison*—John Chowning and Alexander H. Innis.
From the county of *Hopkins*—Jabez White.
From the county of *Henderson*—Archibald Dixon.
From the county of *Henry*—Elijah F. Nuttall.

From the county of *Hart*—George W. Craddock.
From the county of *Jessamine*—George T. Chrisman.
From the county of *Jefferson*—William R. Vance and William P. Thomasson.
From the county of *Kenton*—Robert M. Carlisle.
From the counties of *Knox* and *Harlan*—James Hays.
From the counties of *Lawrence* and *Carter*—James Rouse.
From the county of *Lincoln*—Robert W. Graham.
From the county of *Logan*—Robert Browder and William Kennedy.
From the county of *Laurel*—Thomas J. Buford.
From the county of *Livingston*—John S. Gilliam.
From the county of *Lewis*—Socrates Holbrook.
From the city of *Louisville*—William F. Bullock and Henry K. Wolfe.
From the county of *Madison*—Reuben Monday and John Speed Smith.
From the county of *Mason*—Francis T. Chambers and Perry Jefferson.
From the county of *Mercer*—Ludwell C. Cornish and E. B. Owsley.
From the county of *Monroe*—Hiram K. Chism.
From the county of *Marion*—James P. Barbour.
From the county of *Meade*—R. D. N. Morgan.
From the county of *Muhlenburg*—Edward R. Weir.
From the counties of *Morgan* and *Breathitt*—Eli Lykins.
From the county of *McCracken*—Robert Fletcher.
From the county of *Montgomery*—Nelson Prewitt.
From the county of *Nelson*—Gabriel E. Cox and R. Logan Wickliffe.
From the county of *Nicholas*—Charles C. Whaley.
From the county of *Owen*—James S. Brown.
From the county of *Oldham*—John Fible.
From the counties of *Ohio* and *Hancock*—William H. Rumsey.
From the county of *Pulaski*—Berry Smith.
From the county of *Pendleton*—Samuel F. Swope.
From the county of *Rockcastle*—William H. Kirtley.
From the county of *Russell*—Edward I. Bullock.
From the county of *Shelby*—Walter C. Drake and William Welch.
From the county of *Scott*—Richard M. Johnson.
From the county of *Simpson*—Beverly L. Clark.
From the county of *Spencer*—James Wakefield.
From the county of *Trigg*—Allen T. Noe.
From the county of *Todd*—Hazel Petree.
From the county of *Trimble*—Daniel B. Johnson.
From the county of *Union*—Gibson B. Taylor.
From the county of *Warren*—James R. Skiles and Houston Coombs.
From the county of *Woodford*—William B. Kinkead.
From the county of *Whitley*—Basil Brawner.
From the county of *Wayne*—Micah T. Chrisman.
From the county of *Washington*—Milton Busby.

All of which is respectfully submitted.

W. N. MARSHALL, *Chairman.*

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had approved and signed enrolled bills which originated in this House, of the following titles, viz:

An act to change the time of holding certain County and Circuit Courts.

An act to incorporate the Physiological Temperance Society of the Medical Institute of Louisville.

An act for the benefit of mechanics and others performing labour, or furnishing materials for the constructing or repairing of buildings, in the towns of Hickman and Frankfort.

An act concerning the roads in Campbell county.

An act for the benefit of Elizabeth Green.

An act to change the times of holding the Circuit and County Courts of Simpson and Allen counties, and for other purposes.

An act for the benefit of the children of John and Susan Whip.

An act for the benefit of William and Jacob Luce.

Approved February 22, 1842.

Mr. J. Speed Smith read and laid on the table the following preamble and resolution, viz:

Whereas, The Congress of the United States, at the late extra session, made an appropriation of $5,000 to defray the expenses of a Commission to select a site for a Western Armory: *And whereas*, It is understood that Commission are now engaged in the duty contemplated, and that is it expected they will visit Kentucky to examine the advantages of her water power previous to making their report—Therefore,

Resolved, by the General Assembly of the Commonwealth of Kentucky, That if the said Commissioners be invited to visit Frankfort with a view to examine the water power on the Kentucky river, that the Governor be directed to tender to the United States the use of the water power at lock and dam No. 4, on the Kentucky river, for the use and purposes of a National Armory.

Mr. Flournoy, from the committee on Agriculture and Manufactures, read and laid on the table the following preamble and resolutions, viz:

Whereas, The Legislature of Kentucky are duly sensible of the growing importance of our tobacco trade, and that foreign governments still continue to exact unjust and enormous duties on that article—Therefore,

Resolved, That our Senators and Representatives in Congress be earnestly requested to urge a restrictive duty on French and English importations, corresponding with the duty imposed by the French and British governments on tobacco of American growth.

Resolved, That the Governor of this Commonwealth be requested to forward a copy of the foregoing preamble and resolutions to his Excellency, the President of the United States, and each of our Senators and Representatives in Congress.

The rule of the House requiring joint resolutions to lie one day on the table having been dispensed with,

The question was then taken on the adoption of said resolutions, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. Clarke and Brien, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barbour,	Garnett,	Rouse,
Biggs,	Gholson,	Rumsey,
Bowman,	Graham,	Sanders,
Bramlette,	Harrison,	Skiles,
Browder,	Hays,	Smith, B.
Brown, T. D.	Holbrook,	Smith, J. Speed
Bullock, E. L.	Innes,	Smither,
Bullock, W. F.	Jefferson,	Stone,
Busby,	Johnson, D. B.	Swope,
Carlisle,	Johnson, R. M.	Taylor,
Carpenter,	Karrick,	Thomasson,
Chambers,	Kennedy, J.	Thompson,
Chism,	Kinkead,	Triplett,
Chowning,	Kirtley,	Todd,
Chrisman, G. T.	Lewis,	Vance,
Chrisman, M. T.	Lykins,	Vawter,
Clarke,	Marshall, W. C.	Wakefield,
Coombs,	McCann,	Wand,
Conklin,	McKee,	Weir,
Conway,	Martin,	Welch,
Cornish,	Morgan,	Whaley,
Cox,	Morin,	White, D.
Craddock,	Munday,	White, J.
Cummins,	Noe,	Wickliffe, R.
Drake,	Nuttall,	Wickliffe, R. L.
Fible,	Owsley,	Wolfe,
Fletcher,	Petree,	Wortham,
Flournoy,	Prewitt,	Young—84.

Those who voted in the negative, were—

Messrs. Barnett,	Buford,	Marshall, W. N.
Brawner,	Gaines,	Paxton—8.
Brien,	Ireland,	

The preamble was then adopted.

Mr. Thomasson, from the committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of Muhlenburg, Daviess and Ohio counties, praying for the formation of a new county—reported the same, with the following resolution, viz:

Resolved, That the said petitions be rejected.

Mr. Weir moved to amend said resolution by striking out the words "be rejected," and inserting "is reasonable."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Rumsey and Wand, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Biggs,	Coombs,	Hays,
Bramlette,	Conklin,	Johnson, D. B.
Brawner,	Conway,	Lewis,
Brien,	Cox,	Marshall, W. C.
Browder,	Fible,	Morin,
Brown, J. S.	Fletcher,	Skiles,
Bullock, W. F.	Gaines,	Thomasson,
Carpenter,	Gholson,	Vance,
Chambers,	Gilliam,	Wakefield,
Chism,	Harrison,	Weir—30.

Those who voted in the negative, were—

Messrs. Barbour,	Innes,	Smith, B.
Barnett,	Ireland,	Smither,
Botts,	Jefferson,	Stone,
Bowman,	Johnson, R. M.	Swope,
Brown, T. D.	Karrick,	Taylor,
Busby,	Kennedy, J.	Thompson,
Carlisle,	Kennedy, W.	Triplett,
Chowning,	Kirtley,	Todd,
Chrisman, G. T.	Lykins,	Vawter,
Chrisman, M. T.	Marshall, W. N.	Wand,
Clarke,	McCann,	Welch,
Cornish,	McKee,	Whaley,
Craddock,	Martin,	White, D.
Cummins,	Munday,	White, J.
Dixon,	Owsley,	Wickliffe, R.
Drake,	Paxton,	Wickliffe, R. L.
Forman,	Petree,	Wolfe,
Garnett,	Prewitt,	Wortham,
Graham,	Rouse,	Young—59.
Holbrook,	Rumsey,	

A message was received from the Governor, by Mr. Harlan, Secretary of State, which is as follows, viz:

Gentlemen of the Senate and
House of Representatives:

By the request of the Governor of South Carolina, I transmit, herewith, to the General Assembly, a copy of an act of the Legislature of that State, entitled, "an act to prevent the citizens of New York from carrying slaves, or persons held to service, out of this State, and to prevent the escape of persons charged with the commission of any crime."

R. P. LETCHER.

February 23, 1842.

STATE OF SOUTH CAROLINA.

EXECUTIVE DEPARTMENT,
COLUMBIA, S. C., *December* ——, 1841.

SIR:

In obedience to a resolution of the Legislature of South Carolina, I have the honor to transmit to you a copy of the Report and Resolutions, adopted at its recent session, in relation to the controversy between New York and Virginia, together with a certified copy of the act of the General Assembly on the same subject; and have to request, most respectfully, that you lay them before the Legislature of your State.

I have the honor to be,
With the highest consideration,
Your Excellency's most obedient,
JOHN P. RICHARDSON,
Governor of S. Carolina.

To his Excellency,
The GOVERNOR of Ky.

STATE OF SOUTH CAROLINA.

An act to prevent the citizens of New York from carrying slaves, or persons held to service, out of this State, and to prevent the escape of persons charged with the commission of any crime.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall not be lawful for any vessel of any size or description, owned in whole or in part, or commanded or navigated, by any citizen or resident of the State of New York, or any such vessel owned in whole or in part, commanded or navigated, by any other person than an actual inhabitant and resident of this State, and departing from any port in this State for any port in the State of New York, to depart from this State, or out of any bay, river, creek, or other water course, of this State, until said vessel has undergone the inspection provided for in this act, and until the other provisions hereof, shall have been complied with: *Provided*, That nothing herein contained shall apply to any foreign or national vessel.

II. *Be it further enacted*, That no such vessel as is hereinbefore described, shall sail from any port in this State, or depart from the jurisdiction of this State, until such vessel shall have been inspected by an Inspector, or other person authorized to act under the provisions of this act, to see that no slave, or person held to service or labor, in this State, shall be concealed on board of such vessel, and until the commander thereof shall have received a certificate of inspection from such officer; and if any such vessel shall depart from this State without such certificate of inspection, the captain or owner thereof, shall forfeit and pay the sum of five hundred dollars, to be recovered by any person who will sue for the same in any court of record in this State, by indictment or information, or by action of debt in the name of the Governor, for the benefit of such person, on the bond hereinafter required to be taken.

III. *Be it further enacted*, That whenever any vessel, owned in whole or in part, or commanded or navigated, by any citizen or resident of New York, shall come into this State, no matter from what port, it shall be the duty of the inspector, or other officer hereby authorized to act, to take and keep possession of said vessel, until the master or owner, or some other person for him or them, shall have executed a bond, payable to the Governor of this State, with two or more sureties, satisfactory to the officer taking the bond, inhabitants of this State, in the penalty of one thousand dollars, conditioned to pay and satisfy all judgments which may be rendered in consequence of the violation of any of the provisions of this act; and particularly to pay and satisfy the owner of any slave which may be carried away in such vessel, the full value of such slave, with all other damages sustained thereby by such owner; or if the captain or master of such vessel shall allege his inability to give security, then it shall be his duty to deliver up the papers of his vessel to the inspector, to be retained by him till the departure thereof, and shall moreover make affidavit before some magistrate, that he will not depart with his vessel, or suffer the same to sail from the port or harbor in which she may be, until the inspection hereby required shall have been completed; and moreover, that he will not carry, or suffer to be carried, out of this State, any person in violation of the provisions of this act. And if the captain or owner, or some other person for them, shall fail or refuse to comply with the foregoing requisitions, the said inspector or other officer, or any police officer by him appointed for that purpose, (authority to appoint whom is hereby given to such inspector or other officer,) shall take and hold possession of said vessel, until she is about to depart out of the jurisdiction of this State; and during the time such vessel shall be in possession of such officer, he shall be entitled to demand and receive the sum of three dollars per diem, to be paid by the captain or owner thereof; and for payment of which the vessel shall be liable, and she may be held until the same be paid: *Provided, nevertheless*, That the master or owner, of each of the vessels constituting the several lines of packets now trading, or which may hereafter be trading regularly between Charleston and New York, may be permitted, instead of giving a bond on each arrival in this State, to give one bond in the penalty of one thousand dollars, conditioned to pay and satisfy all judgments which may be rendered in consequence of the violation of any provision of this act, at any time within one year from the date thereof.

IV. *Be it further enacted*, That no pilot, acting under the authority of the laws of this State, or other person, shall pilot out of the jurisdiction of this State, any such vessel as is described in this act, which has not obtained, or shall not exhibit to him the certificate of inspection hereby required; and if any pilot, or other person, shall violate the provisions of this act, he shall forfeit and pay the sum of not less than ten, nor more than one hundred dollars, one half of which shall go to the informer, and in default of payment, the person so convicted shall be imprisoned not lessthan one month, nor more than three months.

V. *Be it further enacted*, That every pilot, or other person, who shall detect any such vessel in attempting to depart from this State, without such certificate of inspection, or shall detect or discover on board of any vessel whatever, any slave, or person held to service or labor, in this State, or any person charged with the commission of any crime, under the laws of this

State, such slaver or person being therein concealed in order to depart, or be carried out of the jurisdiction of this State, shall be entitled to a reward of five hundred dollars, to be recovered by action of debt, upon the bond hereinbefore required to be executed in the name of the Governor, for the benefit of such pilot or other person, if any such bond shall have been given, and if not, by action of debt, in the name of the pilot, against the owner or master thereof, and the said vessel shall be moreover liable for the payment of the same, and may be attached for that purpose.

VI. *Be it further enacted*, That if, upon such inspection, or in any other manner, any slave or slaves, or person held to service or labor, or any person charged with any crime, be found concealed on board of any vessel whatever, for the purpose aforesaid, or said vessel be detected in the act of leaving this State, with any such person on board, the captain and owner shall forfeit and pay the sum of five hundred dollars, to be recovered against the obligors of the bond before mentioned, in the name of the State, in case the person so found on board be a person charged with any crime; and in case the person found on board be a slave, or fugitive from service, the captain or owner shall forfeit and pay his or her value, together with all costs, to be recovered by the owner by action of debt on said bond, in any court of record in this State, in the name of the Governor, for the benefit of such owner; and the said vessel shall moreover be liable for all penalties imposed by virtue of any other law of this State.

VII. *Be it further enacted*, That the Executive of this State be, and he is hereby, authorized and required to appoint one or more Inspectors at Charleston, Georgetown and Beaufort, and at such other places as he shall deem it expedient for the due execution of the provisions of this act; and that in all places where no inspector may be appointed, the Sheriff of the District, either in person or by deputy, shall act as inspector, and perform all duties required by this act to be performed by an inspector.

VIII. *Be it further enacted*, That for every inspection under this act, the inspector or other officer, shall be entitled to demand and receive the sum of ten dollars, for the payment of which such vessel shall be liable; and the said inspector or other officer, may seize and hold her until the same is paid, together with all charges incurred in taking care of the vessel, as well as in enforcing the payment of the same.

IX. *Be it further enacted*, That if any inspector or other officer, shall have reason to suspect that he will be obstructed or opposed in the discharge of any duty required of him under this act, he shall have power to summon and command the force of the District, to aid him in the discharge of such duty; and every person who shall resist or obstruct any inspector or other officer, in the performance or discharge of such duty, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined and imprisoned as in other cases of misdemeanor.

X. *Be it further enacted*, That the bonds authorized and required to be taken under this act, shall be executed before the Clerk of the court of Common Pleas, or a Magistrate of the District, and shall be lodged with the Clerk of the court of Common Pleas of the District, and be safely kept by him in his office. For taking every such bond, the said Clerk or Magistrate, shall demand and have the fee of one dollar, to be paid at the time by the person executing the same.

XI. *Be it further enacted*, That in all questions as to residence and citizenship, arising under this act, the *onus probandi* shall rest upon the person claiming to be a citizen and resident of this State, or any State other than New York.

XII. *Be it further enacted*, That this act shall commence and be in force, from and after the first day of May, one thousand eight hundred and forty two; but that the Governor of this State may, by proclamation, suspend the operation of the same, until the end of the succeeding session of the Legislature of this State, whenever he shall be officially informed that the Executive of New York, shall have bona fide consented to comply with the demand of the Executive of Virginia, for the surrender of Peter Johnson, Edward Smith and Isaac Gansey, as fugitives from justice, and be satisfied that the law of New York, of the 6th of May 1840, entitled, "an act to extend the right of trial by jury," has been repealed by that State.

In the Senate House, the seventeenth day of December, in the year of our Lord, one thousand eight hundred and forty one, and in the sixty sixth year of the Sovereighty and Independence of the United States of America.

ANGUS PATTERSON,
President of the Senate.
W. F. COLCOCK,
Speaker of the House of Rep.

Secretary's Office, }
Columbia December 20, 1841. }

A true copy of the original act deposited in this office, compared and certified by

WM. F. ARTHUR,
Deputy Secretary of State.

THE STATE OF SOUTH CAROLINA.

By his Excellency, John P. Richardson, Esq., Governor and Commander-in-Chief, in and over the State aforesaid.

To all to whom these presents shall come. Know ye, that William F. Arthur, whose certificate appears on the annexed papers, is Deputy Secretary of the State of South Carolina. Therefore, all due faith, credit and authority is, and ought to be had and given to his proceedings and certificates as such.

In testimony whereof, I have hereunto set my hand, and caused to be affixed the seal of the State, in the town of Columbia, the 20th day of December, in the year of our Lord, one thousand eight hundred and forty one, and in the sixty sixth year of the Independence of the United States of America.

JOHN P. RICHARDSON.

By the Governor.

WM. F. ARTHUR,
Deputy Secretary of State.

Report of the Committee on the Judiciary, on so much of the Governor's Message, and the accompanying documents, as relates to the controversy between New York and Virginia, and the bill on that subject, which were referred to that Committee.

The Committee on the Judiciary, to whom was referred so much of the Message of His Excellency, the Governor, as relates to the controversy between the States of New York and Virginia, with the accompanying documents, and a bill relative to the same subject, beg leave to submit the following Report:

The subject which has engaged the deliberations of your Committee, involves a grave and delicate inquiry, as to the duties and rights of the States of this Confederacy, under their compact of union, and it has claimed their most earnest consideration. Their inquiry, and the Bill which has been committed to them, are suggested by the controvery that has unhappily arisen between the authorities of New York and Virginia.

Three persons of color, having their domicil in New York, and trading to Virginia, were, in 1839, charged with a violation of the criminal law of that State, in having feloniously abducted in their vessel on its departure, the slave of one of her citizens. These felons having returned to the State of New York, were formally demanded by the Executive of Virginia, in pursuance of the Constitution and laws of the United States.

The Executive of New York, waiving exception to the regularity of the demand, as well as objection to the completeness of the evidence on which it was founded, declined to comply with the requisition, on the ground that the laws of New York do not recognize the right of one man to hold property in another: and that stealing a slave in the Commonwealth of Virginia, is not an offence within the intendment of the Constitution of the United States.

This unexpected and alarming determination of the Executive of New York, and his views of the constitutional obligations of a confederate State, were communicated by the Executive of Virginia to the General Assembly of that Commonwealth. That department of the Government of Virginia, after mature and wise deliberation, pronounced, in solemn resolutions, the refusal of the Executive of New York to comply with the requisition of the Executive of Virginia, a "palpable and dangerous violation of the Constitution and laws of the United States." It denounced its well considered and earnest determination, not to acquiesce in the course of the Executive of New York, and to enact such legislation as would suffice, to protect the property and rights of the citizens of Virginia.

The General Assembly of Virginia requested the Executive to renew his correspondence with the Executive of New York; call upon him respectfully, to calmly review the grounds of his refusal, and to present the subject to the Legislature of New York for its consideration. This duty was promptly and delicately performed by the Executive of Virginia. The request was made known to the Legislature of New York, by the official organ of that State, and that body apprised that Virginia appealed to its sense of justice and of duty to a co-State. How was that appeal regarded in the response of New York? The Committee to whom the subject had been confided, expressed its concurrence in the views of the Executive Department, pronounced its construction of the Federal Constitution, the only exposition

of that charter which consists with the sovereignty of that State, and the rights of her citizens, and was discharged from the further consideration of the subject.

Contemporaneous with this proceeding, was the enactment of a law, bearing the specious but delusive title, "An Act to extend the right of trial by Jury;" an act which is the most alarming and dangerous form, in which fanatacism or folly has made its assaults on our domestic institutions.

This statute provides, that in proceedings to re-capture a fugitive from service or labor, the claim to the service of such alleged fugitive, his identity, and the fact of his escape from another State, shall be determined by a jury; that the State shall provide counsel for the slave; witnesses attend in his behalf, and that the fees of officers for summoning the jury, and the fees of the jurors and Court, shall, in all cases, be paid by the claimant. It provides, also, that if any Judge or other officer, shall issue a certificate for the removal from the State, of any fugitive from labor, except in the manner prescribed by this statute, he shall be guilty of a misdemeanor, and be punished; and that an attempt to remove such fugitive, without the authority of law, shall incur a forfeiture of $500 to the party aggrieved; that it shall constitute the crime of kidnapping, punishable by imprisonment in the State Prison, for a term not exceeding ten years. It is a further provision of this statute, that the writ of *habeas corpus*, to arrest the fugitive from service, shall not be issued until delivery to the officer to whom the application shall be made, of a bond, with two sufficient sureties, inhabitants and freeholders of that State, with condition to pay the costs of the proceeding, and two dollars weekly, for the support of the fugitive, so long as he shall be detained by the proceeding on *habeas corpus;* and that if the verdict of the jury be against the claimant, he shall pay all the expenses of the proceeding, and shall pay to such fugitive one hundred dollars, and the damages he may have sustained. It is not the least obnoxious feature of this statute, that it seeks to confine the adjudication of these questions to juries, and to preclude the consideration of them by the Judiciary of that State, as evinced by the imposition of restrictions on the claimant's right of appeal, which greatly impair that right, if they do not render it utterly nugatory.

Whether this course of the Executive of New York, or the legislation of its General Assembly, comports with the prescription of right, and the injunction of duty, that the Constitution so explicitly enforces, in regard to our slave property, let that charter, and the laws enacted in pursuance of it, define.

The provision of the Constitution is, "that no person held to service or labor in any one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor shall be due." By the act of Congress, the master of any fugitive slave, his agent or attorney, is authorized to seize and take him before a Judge of the Circuit or District Court of the United States, or before any State Magistrate, who, on proof to his satisfaction, by oral testimony, or affidavit certified by a Magistrate of any State or Territory, that the person so seized, is the slave of the claimant, is authorized to give a certificate thereof, which shall be a sufficient warrant for removal of the slave to the State from which he fled, and imposes a penalty on any one who shall hinder or obstruct such claimant in seizing or arresting such fugitive slave.

In this posture of the controversy, Virginia having exhausted the argument with New York, and hopeless of the remedies which should be found in the constitutional obligations and duties of a co-State, appeals to her sister States of the South for counsel and co-operation. Standing on the outposts of Southern Institutions, that faithful sentinel announces the presence of danger: warns that a common foe is advancing, and calls those who have a similar polity, to their defence. Her claim—her right to lead in defence or maintenance of the rights of a confederate State, or of Southern policy, has been vindicated by the incidents of her past history.

An ancient domestic institution, cherished in the hearts of the people of the South, the eradication of which would demolish our whole system of policy, domestic, social and political, has been assailed by methods most likely to be successful. Is it a contest in which any Southern State, without utter abandonment of honor and of right, of policy and duty, can assume a position of neutrality? Let other States do as they may, South Carolina has taken her stand in this great contest. Her gage of honor has been given to her countrymen, and she is not of those who know how to leave it unredeemed.

When the Federal Constitution was adopted by the States, slavery existed, with but few exceptions, in them all. The right of property in slaves, and the duty of all the confederate States to respect that right in the citizens of each State, are admitted and enforced by that Constitution. Congress, in discharge of its duty, has enacted laws providing safe-guards, and inculcating duties in regard to this species of property. South Carolina, as Virginia, has not seen fit to change her policy, and abolish this species of property; and she will permit no State or authority to impair its value or security: and like Virginia, she here avows her unalterable purpose to protect and defend it from all invasion and attack, come from what source they may.

That the refusal of the Executive of New York to comply with the demand of Virginia, is, in the langage of that Commonwealth, "a palpable and dangerous violation of the Constitution and laws of the United States," is a proposition which admits no debate. The pretension of New York, that that State or any Department of her Government, may look into the statute book of another State, and pronounce upon the policy or the morality of its legislation, when called to the performance of a constitutional duty, plainly enjoined, is no less arrogant, than it is violative of her Federal obligations and plighted faith. The statute, whose provisions have been recited, is no less plainly and directly in contradiction of the Constitution and laws of the United States, than is the refusal of the Executive Department. It is a distinct and unequivocal recognition of the right of the master to hold property in his slave, and the correlative duty of States into which he has fled, but a mere mockery of both. The impediments and hindrance which it imposes on the right to re-capture a fugitive slave within the jurisdiction of New York, amount to a virtual denial of the rights of the master, and withholding his remedy. The laws of the United States define a proceeding ministerial, summary and expeditious, which alone consists with the rights of the master. The statute of New York, prescribes magisterial inquiry, and dilatory, doubtful, and vexatious litigation, the hazards of which, are a denial of the remedy to the master, and impunity and protection to his slave. And the right of the master to seize and arrest his slave, as well as

the duty of the magistrate to issue the certificate for removal, which are prescribed by the laws of the United States, are made high misdemeanors by the statute of New York.

If, in the final determination of the Executive of New York, and the delay which attended his communications, in his correspondence with the Executive of Virginia, a disregard of the obligations of the Constitution, and a spirit inimical to the slave property of the latter, be not apparent, they are manifest in every feature of the obnoxious statute, which has been reviewed.

Interest, duty and honor, imperiously demand, that South Carolina announce to the authorities of New York, that so soon as that State shall break its solemn faith to Virginia, so soon shall be cancelled our constitutional obligations as to her. When a State shall have been disappointed of those rights and remedies, for which stipulation was made when the compact of Union was adopted, then will the painful but imperative duty of protecting her rights, in her own way, have been imposed upon her. This State, having a common purpose, and common interest with Virginia, to uphold the Federal Constitution, by exacting compliance with its obligations, is prepared to make common cause with that Commonwealth, in the maintenance of her rights.

As the chief danger to our slave property arises directly from the commercial intercourse which is permitted the citizens of States like New York, having no similar interest, our enactments should be specifically directed against the means that have been resorted to, and are most likely to be embraced by those who assail it. The peculiar character of that property, its immense value, and the facility of abducting it, by those who trade to our ports, are considerations which should determine us to a course of decisive and effectual legislation. These views have suggested to your Committee the expediency of imposing such restrictions and obligations upon those who would benefit by our commerce, as will inforce the simple duty of not molesting us in the enjoyment of our property. This species of legislation is commended by your Committee, as not only free from well-founded constitutional objections, but as promising the greatest security to us, which is probably attainable.

If this species of legislation be supposed to contravene the Constitution or Laws of the United States, your Committee venture to believe that the competency of the State to make it, depends on principles neither of recent origin, nor questionable acceptance. The basis of the whole doctrine of State Rights is the assumption, that the Constitution of the United States is a compact between sovereign States. From this postulate results the concession of that Constitution, that the powers not delegated to the United States, nor prohibited to the States, are reserved to the States respectively, or to the people. If the power delegated to the United States be also prohibited to the States, or in its nature and essence exclusive, it is not pretended that it can be exercised by a State. But if the delegated power be not of this category, and be not expressly prohibited to the States, it is a power which may be concurrently exercised by the States, and the United States. The ablest commentators, and the most distinguished jurists concede, that this is the just and accepted construction of powers that are, by the States, delegated to the United States. Of this latter class, is the power of the United States to regulate commerce.

If then, the regulation of commerce be within the competency of the States, as well as of the United States, enquiry arises, whether there is any law of the latter regulating commerce, to which the Bill, proposed by your Committee, would be repugnant. In determining whether there would be collision between the Bill proposed, and a law of Congress affecting commerce, the question would be, whether there is a constitutional repugnancy and incompatibility, as mere inconvenience, cannot, by implication, be permitted to divest a right of sovereignty. Occasional interference in the exercise of concurrent jurisdiction, is not enough to infer constitutional contradiction, and the exclusion of State authority. The right of the States to enact regulations that affect commerce, and even impose restraints upon it, is illustrated by quarantine laws, port laws, inspection laws, and others of like nature. But your Committee are not apprised of any law of the United States, regulating commerce, with which the Bill proposed, would be found to conflict.

But the Bill proposed by your Committee, as they conceive, does not seek to regulate commerce, and cannot be said, with propriety, to affect it in any wise. It proposes a measure of mere Municipal Police—a regulation of that species which no one has denied to the States.

But although it may be conceded, that the legislation proposed, does not contravene the power of Congress, legitimately to regulate commerce, yet it may be supposed, that it does not consist with the privileges and immunities that are granted by the Federal Constitution, to the citizens of a State, in all other States of the Union. To this point, it will be permitted your Committee, to address a brief argument. Without such provision in the Constitution of the United States, as that here alluded to, it would have resulted from the Sovereignty of the several States, that the citizens of each, would bear to all the other States, the relation of aliens, and be subject to the inconveniences and disabilities of that relation; and to confer upon them, not citizenship itself, but the rights of citizenship, was its purpose and object. But the privleges and immunities contemplated, are fundamental in their nature, and embrace, in the language of an eminent jurist, "protection by the Government, the enjoyment of life and liberty, with the right to acquire and possess property of every kind, and to pursue and attain happiness and safety, subject to such restraints as the Government may justly prescribe for the general good of the whole."

But your Committee, presume the question is not whether the citizens of each State, should enjoy, in every other State, the privileges and immunities that are conferred on its own citizens, but whether a State can make discriminations between its own citizens. If it be ascertained that a State may bestow, on classes of its own citizens, privileges and immunities that are not common to the mass, then it is apprehended, the point is made clear. The qualification of the Elective Franchise which exists in some of the States, and once existed in this, the eligibility to office, charter laws, and the right to practice the learned professions, are examples of the power of a State to create distinctions amongst her citizens, and many others might be embraced in the enumeration. The principle is, that a State cannot deprive the citizens of another State, of the privileges and immunities of which it cannot divest its own citizens. But discriminations between citizens of a State, and those of other States, are of frequent occurrence in all the States, and the right to create them, is of unquestionable validity.

But the Bill proposed by your Committee, seeks merely to take from the citizens of other States, the immunity which is not enjoyed by citizens of this State; and to impose upon them, restrictions which are endured by its own citizens.

South Carolina has, however, declared in the solemn form of Legislative enactment, her views of these provisions of the Constitution, as well as of her police regulations; and as they have not yet been impugned, your Committee take leave to decline further vindication of them. By the statute of one thousand eight hundred and twenty three, any vessel from another State or foreign port, having on Board any free negroes or persons of color, as cooks, stewards, mariners, or in any other capacity, is prohibited from entering any port or harbor of this State, under sanctions which have been found adequate to the suppression of the evil that was sought to be corrected. Let, then, those whom it may concern to know the policy of this State, and her interpretation of her rights as a member of these United States, consult her Statute Book, and if they are wise, they will not offend against her policy or her institutions.

In testimony of the high confidence which South Carolina reposes in the Counsels of Virginia, and a manifestation of her determination to co-operate with that Commonwealth, and other States, in maintaining, by all proper methods, an institution in which she has a common interest, your Committee beg leave to report the Bill referred to them, which is a copy of the Virginia Law.

1. *Resolved*, That this Legislature view with regret, the constructive meaning of the constitutional provision, respecting "fugitives from justice," and "fugitives from service," asserted by the Executive and Legislative authorities of the State of New York, in the year one thousand eight hundred and forty.

2. *Resolved*, That in the opinion of this Legislature, the forced and dangerous construction put upon the 4th Article of the Constitution of the United States, and the pretension to control its operation by the State of New York, as indicated by the positions of her Executive, in the progress of the late controversy with Virginia, and the proceedings of her Legislature pending the same, should be repudiated and discountenanced by every State in the Union, as destructive of the faith pledged in the Constitution, and ultimately subversive of that State Sovereignty upon which they profess to be founded.

3. *Resolved*, That the Governor be requested to communicate to the authorities of Virginia, the high sense entertained by this Legislature, of their moderation and respectful forbearance, in conducting the recent unhappy controversy with the State of New York—of the justness of the position assumed by Virginia, on the assurance of the hearty co-operation of South Carolina in all proper measures to vindicate her rights as a State, and to protect the property of her citizens.

4. *Resolved*, That copies of the Report and Resolutions adopted by the Legislature, together with a certified copy of the Bill, when passed, be furnished by the Governor of this State, to the Governor of Virginia, and the

Governors of the several States of this Union; and to our Senators and Representatives in Congress, to be laid before that body.

In the House of Representatives, December 14, 1841.

Resolved, That the House do agree to the Report. *Ordered*, That it be sent to the Senate for concurrence.

By order, T. W. GLOVER, C. H. R.

In the Senate, December 17, 1841.

Resolved, That the Senate do concur in the Report. *Ordered*, That it be returned to the House of Representatives.

By order, W. E. MARTIN, C. S.

Ordered, That message and accompanying documents be referred to the committee for Courts of Justice.

Mr. Thomasson, from the committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of Scott, Owen, Grant and Harrison counties, praying for the formation of a new county—reported the same, with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. Thomasson, from the same committee, to whom was referred the petition of Reuben Stanton—reported the same, with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. Thomasson, from the same committee, to whom was referred the petition of Thomas B. Stevenson, asked to be discharged from the further consideration thereof—which was granted.

On motion of Mr. Craddock, leave was given to withdraw said petition—and the same was withdrawn.

Mr. W. Kennedy, from the joint committee on Enrollments, reported that the committee had examined enrolled bills and a preamble and resolutions, which originated in the Senate, of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of Mary Hyatt and her children.

An act for the benefit of Harrison Rankins and wife and children.

An act to amend the revenue law.

An act to change the name of William O. Gallihew to that of William Rice.

An act further to amend the charter of the Mechanics' Savings Institution of the city of Louisville.

An act for the benefit of the Female Academies of Nazareth and Loretto.

An act allowing an additional Constable to Lawrence county, and for other purposes.

An act for the benefit of Lud Fore.

An act for the benefit of certain Sheriffs.

An act to authorize the Trustees of the town of Mayfield to sell a lot known on the plan of said town, as the "College lot," and purchase another.

An act for the benefit of the widow and heirs of John T. Langhorne, deceased.

An act for the divorce of Elisha Weller.

An act for the benefit of George W. Bush and others.

An act for the benefit of Thomas G. Tupman and his securities.

An act to reduce the number of Justices of the Peace in Nicholas county.

An act for the benefit of the Sheriffs of Nicholas and Lawrence counties.

An act for the benefit of the Georgetown Light Artillery.

An act for the benefit of Henry O. Brown and others.

An act to amend the law concerning the revivor of suits.

An act to incorporate the Greenup Iron Manufacturing Company under the general law.

An act for the benefit of common schools in Franklin county.

An act to amend an act, entitled, an act appointing Commissioners to lay off and mark a State road from Harrodsburg to Smithland, in the county of Livingston, approved February 9, 1828.

An act to amend the law in relation to the collection of fee bills in this Commonwealth.

An act to extend the time of receiving and registering head-right plats and certificates, and legalizing those received since the old law expired.

An act to amend an act to allow the Independent Banks of this Commonwealth further time to settle their concerns.

An act for the benefit of the heirs of Knight B. Curd, late of Warren county, Kentucky.

An act for the benefit of the infant heirs of Tabitha Gooch, dec'd.

An act concerning turnpike roads in this Commonwealth.

An act to attach the county of Crittenden to the 16th judicial district, and for other purposes.

An act to regulate elections in the county of Marshall, and for other purposes.

An act granting a change of venue to Vardeman Faris.

An act for the benefit of Richard T. and John H. Allison.

An act allowing further time to the 32d Regiment Kentucky Militia to hold their Court of Assessment.

A preamble and resolutions in relation to the settlement of the accounts of the Green and Barren river Commissioners.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Kennedy inform the Senate thereof.

The following bills were reported by the several committees oppointed to prepare and bring in the same, viz:

By the committeee on Agriculture and Manufactures—A bill to establish a town at Ruddell's mills, and to limit the election to one day in certain counties.

By the committee on Propositions and Grievances—A bill for the benefit of the Jailors of certain counties.

By Same—A bill to change the dividing line between the counties of Oldham and Trimble, and for other purposes.

By the committee on Religion—A bill for the divorce of Catharine Blair.

By same—A bill for the divorce of Matilda Woods and Margaret Long.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The House then resumed the consideration of the bill from the Senate, entitled, an act concerning runaway slaves.

Mr. Fletcher then moved to amend said bill by adding thereto the following, viz:

Be it further enacted, That when any runaway slave or slaves shall be lodged in any jail in this Commonwealth, and shall have remained in the same the time now prescribed by law, and shall not have been claimed by the proper owner, it shall be the duty of the County Court to direct the jailer of the county to deliver to the Sheriff of said county such runaway slave or slaves, and it shall be the duty of said Sheriff forthwith to convey the same to the Jail and Penitentiary at Frankfort; who shall be entitled to receive the same compensation for the conveyance of such slave or slaves as is allowed for the conveyance of convicts to the Penitentiary, and to be paid out of any moneys in the Public Treasury.

That it shall be the duty of the Keeper of the Penitentiary to receive any and all runaway slaves which may be delivered to him, and to retain them for a period of five years, unless they should be claimed and satisfactorily proven by the owner; and should the owner claim any slave or slaves, and make satisfactory proof of his right to the same, it shall be the duty of said Keeper of the Penitentiary to deliver such slave or slaves to the owner, upon his, her, or their delivering a receipt from the Treasury for the payment of all costs accruing in the apprehension and detention of said slave or slaves.

That it shall be the duty of the Keeper of the Penitentiary, to advertize all and every runaway slave which shall be received by him, three months,

in some newspaper published in the cities of Louisville, Lexington and Frankfort, annually, while the said slave shall remain in the Penitentiary.

That it shall be the duty of the Keeper of the Penitentiary to give notice to the Treasurer of the State, when any slave or slaves have been confined in the Penitentiary the time prescribed by this act. It shall be the duty of the Treasurer to sell any and all such slave or slaves at public sale, first advertising the time and place of sale, at least twenty days before the day of sale.

That it shall be the duty of the County Court to certify the claim of the jailer, and the fee for apprehending the said runaway, to the Second Auditor of Public Accounts, who shall draw his warrant on the Treasurer for the same.

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Fletcher and Morgan, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Cox,	McCann,
Messrs. Barbour,	Cummins,	Morgan,
Basye,	Fletcher,	Munday,
Biggs,	Flournoy,	Paxton,
Brawner,	Gilliam,	Sanders,
Bullock, E. I.	Harrison,	Smith, J. Speed
Busby,	Innes,	Swope,
Carlisle,	Karrick,	Thompson,
Chowning,	Kennedy, J.	Welch,
Chrisman, G. T.	Kinkead,	Wickliffe, R. L.-31
Conway,		

Those who voted in the negative, were—

Messrs. Barnett,	Gholson,	Rouse,
Botts,	Graham,	Smith, B.
Bowman,	Hays,	Smither,
Bramlette,	Holbrook,	Stone,
Brien,	Ireland,	Taylor,
Browder,	Jefferson,	Thomasson,
Brown, T. D.	Johnson, D. B.	Triplett,
Buford,	Johnson, R. M.	Todd,
Bullock, W. F.	Kennedy, W.	Vance,
Carpenter,	Kirtley,	Vawter,
Chambers,	Lykins,	Wakefield,
Chism,	Marshall, W. C.	Wand,
Chrisman, M. T.	Marshall, W. N.	Weir,
Clarke,	McKee,	Whaley,
Conklin,	Martin,	White, J.
Cornish,	Morin,	Wickliffe, R.

Craddock, Nuttall, Wolfe,
Forman, Owsley, Wortham,
Gaines, Prewitt, Young—58.
Garnett,

Ordered, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message was received from the Senate, announcing that they had passed a bill, entitled, an act adding Spencer county to the thirteenth judicial district, and to extend the terms of the Jefferson Circuit Court.

The said bill was then read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Ordered, That said bill be read a third time.

Mr. Wakefield then moved to dispense with the third reading of said bill.

And the question being taken thereon, it was decided in the negative—it requiring four-fifths.

The yeas and nays being required thereon by Messrs. R. L. Wickliffe, and Gaines, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,
Messrs. Barbour,
Basye,
Biggs,
Botts,
Bramlette,
Browder,
Buford,
Bullock, E. I.
Bullock, W. F.
Carlisle,
Carpenter,
Chism,
Chowning,
Chrisman, G. T.
Chrisman, M. T.
Cox,
Craddock,
Cummins,
Dixon,
Drake,
Forman,
Garnett,
Gholson,
Gilliam,
Graham,
Harrison,
Hays,
Holbrook,
Innes,
Ireland,
Jefferson,
Karrick,
Kennedy, W.
Kinkead,
Kirtley,
Lewis,
Marshall, W. C.
Martin,
Morgan,
Morin,
Munday,
Noe,
Nuttall,
Owsley,
Petree,
Prewitt,
Smith, J. Speed
Smither,
Stone,
Swope,
Taylor,
Thomasson,
Thompson,
Todd,
Vance,
Vawter,
Wakefield,
Welch,
Whaley,
White, D.—61.

Those who voted in the negative, were—

Messrs. Barnett,	Johnson, R. M.	Sanders,
Brien,	Kennedy, J.	Smith, B.
Brown, T. D.	Lykins,	Triplett,
Conklin,	Marshall, W. N.	Weir,
Conway,	McCann,	White, J.
Cornish,	McKee,	Wickliffe, R.
Fletcher,	Paxton,	Wickliffe, R. L.
Flournoy,	Rouse,	Wortham,
Gaines,	Rumsey,	Young—27.

The Speaker laid before the House a communication from Henry Clay, which is as follows, viz:

WASHINGTON, SENATE CHAMBER, }
16th February, 1842. }

To the honorable, the General Assembly of Kentucky:

When I last had the honor of an appointment as one of the United States Senators from Kentucky, I intimated, in my letter of acceptance, the probability of my not serving out the whole term of six years. In consequence of there having been two extra sessions of Congress, I have already attended, since that appointment, as many sessions of Congress as ordinarily happen, during a Senatorial term, without estimating my services at the present session.

I have, for several years, desired to retire into private life, but have been hitherto prevented from executing my wish, by considerations of public duty. I should have resigned my seat in the Senate at the commencement of the present session, but for several reasons, one of which was that the General Assembly did not meet until near a month after Congress, during which time the State would not have been fully represented, or my successor would have had only the uncertain title of an Executive appointment.

The time has now arrived, when, I think, that without any just reproach, I may quit the public service, and bestow some attention on my private affairs, which have suffered much by the occupation of the largest part of my life in the public councils. If the Roman veteran had a title to his discharge after thirty years service, I, who have served a much longer period, may justly claim mine.

I beg leave therefore to tender to the General Assembly, and do now hereby tender, my resignation of the office which I hold of Senator, in the Senate of the United States, from the State of Kentucky, to take effect on the 31st March, 1842; and I request that the General Assembly will appoint my successor to take his seat on that day. I have fixed that day to allow me an opportunity of assisting in the completion of some measures which have been originated by me.

I embrace the occasion to offer to the General Assembly my profound and grateful acknowledgments for the numerous and distinguished proofs, by which I have been honored, of its warm attachment and generous confidence during a long series of years.

I have the honor to be, with the highest respect,
Your faithful and obedient servant,
H. CLAY.

Bills from the Senate of the following titles, viz:

1. An act for the relief of the widow and heirs of Christopher A. Rudd, deceased.

2. An act to amend an act, entitled, an act for the benefit of the Breckinridge Seminary, approved December 13, 1820.

3. An act for the benefit of Milly Young and others.

4. An act for the benefit of John F. Linton, infant heir of John H. Linton, deceased.

5. An act to abolish the July term of the Campbell Circuit Court for the year 1842.

6. An act allowing additional Justices of the Peace to the counties of Spencer and Warren.

7. An act to authorize the Clerk of the Woodford County Court to make out a general cross index to deeds and other papers of record in his office.

8. An act to amend an act, entitled, an act to incorporate the city of Covington, approved February 24, 1834.

9. An act to incorporate the town of Pleasureville.

10. An act to amend the law concerning the probate of wills.

11. An act to reduce the salary of the President of the Bank of the Commonwealth.

12. An act for the benefit of William Ward, of Carter county.

13. An act for the benefit of Thomas Prator, committee for Josiah Prator, an idiot.

14. An act to amend the law concerning changes of venue.

15. An act authorizing additional Trustees to the Hopkins Seminary, situated in the town of Madisonville.

16. An act for the benefit of David A. Sayre.

17. An act regulating tolls on turnpike roads in which the Commonwealth is a joint stockholder, and for other purposes.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of said bills (except the 5th) having been dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A bill from the Senate, entitled, an act to amend an act, entitled, an act to incorporate a company to establish a turnpike road from the city of Louisville by the mouth of Salt river, Elizabethtown, Munfordsville and Bowlinggreen to the State line, in the direction of Nashville—was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

On motion of Mr. Fletcher,

Ordered, That said bill be laid on the table for the present.

The amendments proposed by the Senate to a bill from this House, entitled, an act to establish a tobacco inspection at Montezuma—were taken up, twice read, and concurred in.

Mr. Bramlette moved a re-consideration of the vote laying on the table for the present a bill from the Senate, entitled, an act to amend an act, entitled, an act to incorporate a company to establish a turnpike road from the city of Louisville by the mouth of Salt river, Elizabethtown, Munfordsville and Bowlinggreen to the State line, in a direction to Nashville.

And the question being taken thereon, it was decided in the affirmative.

The said bill reads as follows, viz:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the charter of the said turnpike road company be, and the same is hereby so amended, as to authorize and empower the President of that part of the road of said company, leading from Louisville to Elizabethtown, to open books and receive subscriptions of stock in shares of one hundred dollars, sufficient to build a good and permanent bridge across Salt river, where said road may cross said river.

Sec. 2. That so soon as a sufficient amount of stock shall be subscribed to build said bridge, it shall be the duty of the said President and the Managers of that part of said road, to let the building of said bridge to the lowest bidder, having first advertised the time, place and manner of letting out the same, by at least six regular weekly insertions, in one or more of the public newspapers printed in Louisville, they making any regulation that may be, in their opinion, proper to ensure the work to be well and speedily done.

Sec. 3. That so soon as said bridge shall be completed, so that the same can be safely passed over, the President and Managers of that part of said road may charge and receive from persons passing over said bridge, and for all stock and other things that may be taken over the same, the same sums that are now allowed by law for ferrying the same across said river at the ferry, near the mouth of said river.

Sec. 4. That the President and Managers of that part of said road shall make a dividend semi-annually of the money received by them for toll collected at said bridge, and shall pay the same to the owners of the stock in said bridge, according to the amount they may own, first retaining a sum sufficient to pay any debt or demand that may exist against said bridge, and all expenses for keeping and repairing the same.

Sec. 5. That the owners of the stock in the bridge shall be entitled to vote at all elections held for the purpose of electing any officer or manager of that part of said road where said bridge may be situate, under the same rules, regulations, and restrictions, that persons owning stock in said road are allowed to vote at any such election; but in no case shall the bridge company be liable for any demand against the road company, nor shall the road company be liable for any demand against the bridge company.

Sec. 6. That the President and Managers of that part of said road of said company, leading from Elizabethtown to Bell's tavern, shall be, and they are hereby authorized to open books, receive subscriptions

and contract for the building of a good and permanent bridge across Green river, where said road may cross the same, upon the terms, regulations and conditions, that the President and Managers of that part of said road where it crosses Salt river are under, except the President and Managers may charge and receive for toll, at the bridge across Green river, the same sums that the owner of the ferry across said river near Munfordsville is now allowed by law to charge for ferrying across said river; and the stockholders shall hold their stock, and be entitled to receive the dividends on the same, and be subject to the same rules and regulations, that the owners of stock in the bridge to be built across Salt river are under by this act: *Provided*, The stockholders of said company, holding a majority of stock in said company, shall give their consent thereto, to be entered on the books of said company.

Mr. Fletcher moved to amend said bill by adding thereto the following proviso:

Provided, That the Bord of Internal Improvent are hereby prohibited from taking stock in said bridge, or paying any thing towards its construction.

Mr. J. Kennedy moved to lay said bill and amendment on the table for the present.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Craddock and Conway, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barbour,	Forman,	Owsley,
Barnett,	Gaines,	Paxton,
Bayse,	Gholson,	Petree,
Biggs,	Gilliam,	Prewitt,
Botts,	Graham,	Rouse,
Bowman,	Harrison,	Rumsey,
Bramlette,	Hays,	Stone,
Brawner,	Ireland,	Taylor,
Brien,	Jefferson,	Thompson,
Brown, J. S.	Johnson, D. B.	Triplett,
Brown, T. D.	Karrick,	Todd,
Buford,	Kennedy, J.	Wakefield,
Carpenter,	Kennedy, W.	Weir,
Chism,	Kirtley,	Welch,
Chrisman, G. T.	Lewis,	Whaley,
Chrisman, M. T.	Lykins,	White, D.
Clarke,	Marshall, W. N.	White, J.
Cox,	McCann,	Wickliffe, R.
Cummins,	McKee,	Wickliffe, R. L.
Fletcher,	Martin,	Wortham,
Flournoy,	Munday,	Young—63.

70

Those who voted in the negative, were—

Messrs. Browder,	Innes,	Skiles,
Bullock, W. F.	Johnson, R. M.	Smith, B.
Chowning,	Marshall, W. C.	Smither,
Conklin,	Morgan,	Thomasson,
Conway,	Noe,	Vance,
Craddock,	Nuttall,	Vawter—19.
Garnett,		

The House then took up the amendment proposed by the Senate to the resolutions from this House in relation to amendments to the Constitution of the United States.

The amendment proposed by the Senate was to add to the first resolution the following, viz:

And whenever the office of President shall become vacant, from any cause whatever, the Vice President, or other person filling the office of President for the remainder of the term, shall be ineligible for the next presidential term.

And the question being taken on concurring in said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. R. Wickliffe, Jr. and Smither, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barbour,	Garnett,	Prewitt,
Basye,	Graham,	Rouse,
Biggs,	Harrison,	Sanders,
Browder,	Holbrook,	Smith, B.
Buford,	Innes,	Thomasson,
Bullock, W. F.	Jefferson,	Thompson,
Busby,	Karrick,	Triplett,
Carpenter,	Kennedy, J.	Todd,
Chism,	Kennedy, W.	Vance,
Chrisman, G. T.	Kinkead,	Vawter,
Chrisman, M. T.	Marshall, W. C.	Wakefield,
Clarke,	Morgan,	Weir,
Cox,	Morin,	Welch,
Fible,	Munday,	Whaley,
Fletcher,	Petree,	White, D.—46.
Forman,		

Those who voted in the negative, were—

Messrs. Barnett,	Flournoy,	Nuttall,
Botts,	Gaines,	Owsley,
Bowman,	Gholson,	Paxton,
Bramlette,	Gilliam,	Rumsey,
Brawner,	Hays,	Skiles,
Brien,	Ireland,	Smither,

Brown, T. D.
Carlisle,
Chambers,
Conklin,
Conway,
Cornish,
Craddock,
Cummins,
Johnson, D. B.
Johnson, R. M.
Kirtley,
Marshall, W. N.
McCann,
McKee,
Martin,
Stone,
Taylor,
White, J.
Wickliffe, R.
Wickliffe, R. L.
Wortham,
Young—40.

Mr. W. C. Marshall, at a quarter past 6 o'clock, P. M., moved an adjournment.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McKee and Conway, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,
Messrs. Basye,
Biggs,
Botts,
Bowman,
Bramlette,
Brawner,
Browder,
Brown, T. D.
Busby,
Chambers,
Chism,
Chrisman, G. T.
Chrisman, M. T.
Clarke,
Cornish,
Cox,
Craddock,
Cummins,
Fible,
Fletcher,
Forman,
Garnett,
Hays,
Holbrook,
Innes,
Jefferson,
Johnson, R. M.
Karrick,
Kennedy, J.
Kennedy, W.
Kinkead,
Kirtley,
Marshall, W. C.
Martin,
Morgan,
Paxton,
Rumsey,
Sanders,
Stone,
Taylor,
Vawter,
Welch,
Whaley,
White, J.
Wickliffe, R. L.—46

Those who voted in the negative, were—

Messrs. Barbour,
Barnett,
Brien,
Buford,
Carlisle,
Carpenter,
Conklin,
Conway,
Flournoy,
Gaines,
Gholson,
Gilliam,
Graham,
Harrison,
Ireland,
Johnson, D. B.
Marshall, W. N.
McCann,
McKee,
Morin,
Nuttall,
Owsley,
Petree,
Prewitt,
Rouse,
Skiles,
Smith, B.
Smither,
Swope,
Thomasson,
Thompson,
Triplett,
Todd,
Vance,
Wakefield,
Weir,
White, D.
Wickliffe, R.
Wortham,
Young—40.

THURSDAY, FEBRUARY 24, 1842.

A messsage was received from the Senate announcing their disagreement to a bill from this House, entitled, an act to amend the stray laws of this Commonwealth.

That they had concurred in the adoption of a resolution from this House in relation to tolls charged at the locks.

That they had passed bills from this House of the following titles, viz:

An act for the benefit of Grace Church, in Hopkinsville.

An act to reduce into one, and digest and amend the acts, and amendatory acts, incorporating the city of Lexington.

An act for the benefit of A. Rawlings.

An act to amend the road law in the county of Bracken.

An act for the benefit of William Ratliffe.

An act to allow additional Justices of the Peace to certain counties, and for other purposes.

An act for the benefit of James Byers, Jr.

An act for the benefit of the Clerk of the Owen County Court.

An act to change the time of holding the Knox County Court.

An act to incorporate the Barboursville Lyceum.

An act to amend an act, entitled, an act to incorporate the Russellville and Clarkesville turnpike road company.

An act to regulate and fix the value of unappropriated land in the county of Madison.

An act to amend an act, entitled, an act authorizing the County Court of Pendleton to appoint a county Treasurer for said county.

An act to amend the act incorporating the Jefferson Pond Draining Company.

An act to repeal an act, to amend an act, to incorporate the towns of Harrodsburg and Danville, approved March 1, 1836.

With an amendment to the last named bill.

That they had passed bills of the following titles, viz:

An act to incorporate the Sandy Iron Manufacturing Company.

An act further to regulate and amend the laws regulating the town of Newport.

And had received official information from the Governor that he had approved and signed enrolled bills which originated in the Senate, of the following titles, viz:

An act concerning bills of exchange.

An act to authorize the County Court of Morgan county to straighten the State road.

An act to incorporate the Funk Seminary.

An act for the benefit of the Sheriffs of Carter and Russell counties.

An act to allow three additional Constables to Spencer county, and for other purposes.

An act granting a change of venue to John Hughes.

An act to amend an act, providing that the estates of persons dying without heirs or distributees shall vest in the Commonwealth, and for other purposes.

An act granting certain powers to the Bank of Kentucky.

Approved February 22, 1842.

1. Mr. Nuttall presented the memorial of Raush and Farquharson in relation to their contract for building lock and dam No. 2, on Kentucky river.

2. Mr. T. D. Brown presented the remonstrance of sundry citizens of Hardin county, against the formation of a new county out of part thereof.

3. Mr. Martin presented the petition of sundry citizens of Floyd county, praying to be attached to the 98th regiment of Kentucky militia.

4. Mr. Young presented the petition of sundry citizens of Sharpsburg, in Bath county, praying a repeal of the act passed at the present session allowing an additional Constable to said town.

5. Mr. Swope presented the petition of James Law & Co., in relation to their contract for building lock and dam No. 5, on Licking river.

6. Mr. Vance presented the remonstrance of sundry citizens of Jefferson county, remonstrating against the establishment of a Commonwealth's Bank.

Which were received, the reading dispensed with, and referred, (except the 5th and 6th, which were laid on the table)—the 1st to the committee on Internal Improvement; the 2d and 4th to the committee on Propositions and Grievances: and the 3d to the committee on Military Affairs.

Mr. Innes asked leave to withdraw the petition of Nancy Griffiith—which was granted, and the petition withdrawn.

Mr. W. F. Bullock read and laid on the table the following preamble and resolutions, viz:

WHEREAS, The people of Kentucky are greatly interested in the commerce of the Western waters, and the removal of the obstructions in the same, which are already dangerous to navigation and daily increasing: *And whereas*, An appropriation by the General Government to have said obstructions removed is indispensably required—therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators and Representatives in Congress be requested to urge upon that body the necessary appropriation for this object, and also, the adoption of such other measures as the interests of western commerce may require.

Resolved further, That the Governor be required to forward a copy of the foregoing preamble and resolutions to each of the Senators and members of Congress from the State of Kentucky.

The rule of the House requiring joint resolutions to lie one day on the table having been dispensed with, the same were then twice read and adopted.

Mr. R. L. Wickliffe read and laid on the table the following resolutions, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That the resolution heretofore adopted, fixing the adjournment of the present session on the 28th instant, be, and the same is hereby, rescinded.

Be it further resolved, That when the present General Assembly shall adjourn on Friday, the 4th day of March next, it shall adjourn *sine die*.

The rule of the House requiring joint resolutions to lie one day on the table having been dispensed with,

Mr. Nuttall moved the following amendment as a subsitute for said resolutions, viz:

Whereas, It is represented unto this General Assembly that there is immense embarrassment in the country, and that property is being sacrificed under execution at a value ruinous to the unfortunate debtor, and in no way advantageous to creditors: *And whereas*, The Legislature have as yet done nothing to mitigate the sufferings or alleviate the distresses of the people, and have fixed on the 28th inst. for a final adjournment, and it being impossible by that day to pass any law which will give relief to the people—therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That the resolution, fixing on the 28th instant, as aforesaid, for the final adjournment of the Legislature, be, and the same is hereby rescinded.

Resolved further, That a select committee of this House, consisting of seven members, be raised for the purpose of enquiring into the propriety of enacting a valuation law; and that the said committee, if they come to the conclusion that such a law ought to pass, are hereby instructed to report a bill for that purpose to this House, as early as practicable.

Mr. Hays then moved to lay said resolutions and amendment on the table for the present.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Buford and Hays, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Biggs,	Flournoy,	Munday,
Bowman,	Forman,	Noe,
Bramlette,	Gilliam,	Owsley,
Brien,	Graham,	Paxton,
Browder,	Harrison,	Petree,

Brown, T. D.	Hays,	Prewitt,
Buford,	Holbrook,	Rouse,
Bullock, W. F.	Innes,	Smith, J. Speed
Carpenter,	Ireland,	Taylor,
Chambers,	Jefferson,	Thompson,
Chism,	Karrick,	Triplett,
Chowning,	Kennedy, J.	Todd,
Clarke,	Kennedy, W.	Vance,
Coombs,	Kinkead,	Weir,
Cornish,	Kirtley,	Welch,
Cox,	Marshall, W. C.	White, J.
Craddock,	Marshall, W. N.	Wickliffe, R. Jr.
Fletcher,	McCann,	Wolfe—54.

Those who voted in the negative, were—

Mr. Speaker,	Gaines,	Sanders,
Messrs. Barbour,	Garnett,	Smith, B.
Barnett,	Gholson,	Smither,
Botts,	Johnson, D. B.	Stone,
Brown, J. S.	Johnson, R. M.	Swope,
Bullock, E. I.	Lewis,	Thomasson,
Busby,	Lykins,	Vawter,
Carlisle,	McKee,	Wakefield,
Chrisman, G. T.	Martin,	Wand,
Chrisman, M. T.	Morgan,	Whaley,
Conklin,	Morin,	White, D.
Conway,	Nuttall,	Wickliffe, R. L.
Drake,	Rumsey,	Wortham—40.
Fible,		

Mr. Rumsey moved a re-consideration of the vote passing a bill from the Senate, entitled, an act to amend an act, entitled, an act for the benefit of the Breckinridge Seminary, approved December 13, 1820.

And the question being taken thereon, it was decided in the affirmative.

On motion of Mr. Smither,

Ordered, That said bill be laid on the table for the present.

The House then took up the preamble and joint resolution proposed on yesterday by Mr. J. Speed Smith.

The said preamble and resolutions were then twice read and adopted.

Mr. Kinkead read and laid on the table the following joint resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That his Excellency, the Governor of this Commonwealth be requested to select some discreet person to carry into effect an act passed concerning the removal from the Kentucky river the steamboat New Argo, so far as relates to the removal of said steamboat, and that he cause the same to be removed forthwith.

The rule of the House requiring joint resolutions to lie one day on the table having been dispensed with,

The said resolution was then twice read and adopted.

A message was received from the Governor by Harlan, Secretary of State, which is as follows, viz:

Gentlemen of the Senate and
House of Representatives:

By the request of the Governor of New Jersey, I transmit herewith, a copy of a joint resolution of the Legislature of that State, upon the subject of a revision of the tariff laws.

R. P. LETCHER.

February 24, 1842.

Ordered, That message and documents be referred to Messrs. J. Speed Smith, Chambers, W. C. Marshall, Clarke, Botts and McKee.

Mr. Thomasson, from the committee on Propositions and Grievances, to whom was referred the petition of Eli Satterfield—reported the same, with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. Thomasson, from the same committee, to whom was referred the petition of Jacob Elses, asked to be discharged from the further consideration thereof—which was granted.

Mr. Thomasson, from the same committee, to whom was referred the petitition of sundry citizens of Russell county, praying to be added to the county of Clinton—asked leave to be discharged from the further consideration thereof.

And the question being taken thereon, it was decided in the negative.

Ordered, That the committee prepare and bring in a bill in accordance with the prayer of said petition.

Mr. Nuttall, from the committee for Courts of Justice, to whom was referred a bill from the Senate, entitled, an act for the benefit of Jailey Watson and others--reported the same without amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Thomasson, from the committee on Propositions and Grievances, reported a bill to re-establish the town of Portland—which was read the first time, and ordered to be read second time.

Mr. Thomasson moved to dispense with the second and third reading of said bill.

And the question being taken thereon, it was decided in the negative--it requiring four-fifths.

The yeas and nays being required thereon by Messrs. W. F. Bullock and Buford, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barbour,	Flournoy,	Owsley,
Barnett,	Gaines,	Paxton,
Biggs,	Garnett,	Rouse,
Botts,	Gholson,	Rumsey,
Bowman,	Gilliam,	Sanders,
Bramlette,	Harrison,	Smith, J. Speed
Brien,	Holbrook,	Stone,
Brown, J. S.	Innes,	Taylor,
Busby,	Ireland,	Thomasson,
Carlisle,	Jefferson,	Thompson,
Carpenter,	Kennedy, J.	Todd,
Chism,	Lykins,	Vance,
Chowning,	Marshall, W. C.	Wand,
Chrisman, G. T.	Marshall, W. N.	Weir,
Clarke,	McCann,	Whaley,
Coombs,	McKee,	White, J.
Conklin,	Martin,	Wickliffe, R.
Cornish,	Morgan,	Wickliffe, R. L.
Cummins,	Morin,	Wortham,
Drake,	Munday,	Young—62.
Fletcher,	Noe,	

Those who voted in the negative, were—

Messrs. Brawner,	Forman,	Prewitt,
Browder,	Graham,	Skiles,
Buford,	Hays,	Smither,
Bullock, W. F.	Karrick,	Swope,
Chambers,	Kennedy, W.	Triplett,
Chrisman, M. T.	Kirtley,	Vawter,
Cox,	Lewis,	Wakefield,
Craddock,	Nuttall,	Welch,
Dixon,	Petree,	Wolfe—27.

Mr. Triplett, from the committee on Enrollments, reported that the committee had examined sundry enrolled bills which originated in the Senate, of the following titles, and had found the same truly enrolled, viz:

An act for the relief of the widow and heirs of Christopher A. Rudd, deceased.

An act to authorize the Clerk of the Woodford County Court to make out a general cross index to deeds and other papers of record in his office.

An act for the benefit of John F. Linton, infant heir of John H. Linton, deceased.

An act to amend an act, entitled, an act to incorporate the city of Covington, approved February 24, 1834.

An act allowing additional Justices of the Peace to the counties of Spencer and Warren.

An act to amend the law concerning the probate of wills.

An act to incorporate the town of Pleasureville.

An act for the benefit of Milly Young and others.

An act for the benefit of David A. Sayre.

An act to amend the law concerning changes of venue.

An act authorizing additional Trustees to the Hopkins Seminary, situated in the town of Madisonville.

An act for the benefit of Thomas Prator, committee for Josiah Prator, an idiot.

An act for the benefit of William Ward, of Carter county.

An act to reduce the salary of the President of the Bank of the Commonwealth.

And had examined enrolled bills which originated in this House of the folowing titles, viz:

An act to incorporate the town of Independence in the county of Kenton, and further to regulate the town of Stephensport.

An act for the benefit of Sarah Gough.

An act for the benefit of Richard Cundiffe, Sr.

An act to legalize the marriage of James Lashbrook and Nancy Burkhead, and the marriage of James Ransdell and Nancy Cornwell.

An act for the benefit of the Sheriffs of Meade, Hart, Wayne and Marion counties.

An act to establish a tobacco inspection at Montezuma and Louisa.

An act for the divorce of Robert S. Brame and Eliza, his wife.

An act to change the name of Rebecca Ann Smith, and for other purposes.

An act to establish a State road from the Ohio river to Albany, in Clinton county, and for other purposes.

An act to amend an act, entitled, an act to amend and reduce into one the several acts regulating the town of Henderson, approved January 21, 1840, and further to regulate the town of Winchester.

An act to amend the act incorporating the Jefferson Pond Draining Company.

An act to amend the road law in the county of Bracken.

An act to amend an act, entitled, an act to incorporate the Russellville and Clarkesville turnpike road company.

An act to allow additional Justices of the Peace to certain counties, and for other purposes.

An act for the benefit of James Byers, Jr.

An act to regulate and fix the value of unappropriated land in the county of Madison.

An act for the benefit of the Clerk of the Owen County Court.

An act to change the time of holding the Knox County Court.

An act for the benefit of A. Rawlings.

An act to incorporate the Barboursville Lyceum.

An act for the benefit of Grace Church, in Hopkinsville, Kentucky.

An act to amend an act, entitled, an act authorizing the County Court of Pendleton to appoint a county Treasurer for said county.

An act for the benefit of Richard W. Hawkins, deputy Sheriff of Carroll county.

An act for the benefit of William Ratliffe.

And a resolution in relation to tolls charged at the locks.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Triplett inform the Senate thereof.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Religion—A bill for the divorce of Adella Noel.

By the committee on Propositions and Grievances—A bill for the benefit of Andrew Barnett.

By same—A bill for the benefit of Francis Graves.

By same—A bill for the benefit of the widow and heirs of March Hinkle, deceased.

By same—A bill to authorize the County Court of Campbell to dispose of certain property.

By same—A bill extending the limits of the town of Florence, in Boone county.

By same—A bill changing the boundary line between the counties of Russell and Clinton.

By Mr. McKee—A bill to regulate the terms of the Courts of the 9th judicial district, and for other purposes.

By the committee on Ways and Means—A bill for the benefit of Martin Fugate, late Sheriff of Pendleton county.

By the committee for Courts of Justice—A bill to change the time of holding the Rockcastle Circuit Court.

By Mr. Triplett—A bill for the benefit of William Newton, late Sheriff of Daviess county.

By Mr. Holbrook—A bill to change the place of voting in the Furman's bottom election precinct, in the county of Lewis.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Thomasson, from the committee on Propositions and Grievances, reported a bill to establish the county of Lynn—which was read the first time.

And the hour of 12 o'clock having arrived, the House proceeded to the orders of the day.

Mr. Bramlette moved a re-consideration of the vote passing a bill changing the boundary line between the counties of Russell and Clinton.

And the question being taken thereon, it was decided in the affirmative.

On motion of Mr. E. I. Bullock,

Ordered, That said bill be laid on the table for the present.

A bill from the Senate, entitled, an act adding Spencer county to the 13th judicial district, and to extend the terms of the Jefferson Circuit Court, was read a third time.

The question was then taken on the passage of said bill, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. R. L. Wickliffe and T. D. Brown, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,
Messrs. Barbour,
Barnett,
Botts,
Bramlette,
Brawner,
Browder,
Brown, J. S.
Bullock, E. I.
Bullock, W. F.
Busby,
Carlisle,
Carpenter,
Chambers,
Chism,
Chowning,
Chrisman, G. T.
Chrisman, M. T.
Clarke,
Coombs,
Cornish,
Cox,
Cummins,
Flournoy,
Forman,
Garnett,
Gholson,
Gilliam,
Graham,
Hays,
Innes,
Ireland,
Jefferson,
Johnson, R. M.
Karrick,
Kennedy, J.
Kennedy, W.
Kinkead,
Kirtley,
Lewis,
Marshall, W. C.
Marshall, W. N.
McCann,
Martin,
Morin,
Noe,
Nuttall,
Owsley,
Paxton,
Petree,
Prewitt,
Rouse,
Rumsey,
Skiles,
Smith, B.
Smith, J. Speed
Smither,
Stone,
Swope,
Taylor,
Thomasson,
Thompson,
Triplett,
Todd,
Vance,
Vawter,
Wakefield,
Wand,
Welch,
Whaley,
White, D.
Wolfe,
Young—73.

Those who voted in the negative, were—

Messrs. Brien,	Harrison,	Sanders,
Brown, T. D.	Johnson, D. B.	Weir,
Conklin,	Lykins,	White, J.
Conway,	McKee,	Wickliffe, R.
Craddock,	Morgan,	Wickliffe, R. L.
Fletcher,	Munday,	Wortham—18.

Resolved, That the title thereof be as aforesaid.

A message was received from the Senate announcing that they had adopted a resolution fixing a day to elect a Senator in Congress.

The said resolution was then taken up, twice read, and concurred in.

A bill from the Senate, entitled, an act in relation to free negroes and mulattoes, was read a third time.

The said bill was then amended by way of engrossed ryder.

The question was then taken on the passage of said bill, as amended, and decided in the negative; and so the said bill was disagreed to.

Resolved, That this House concur in the amendments proposed by the Senate to a bill from this House, entitled, an act to repeal an act, entitled, an act to amend an act to incorporate the towns of Harrodsburg and Danville, approved March 1, 1836.

Bills from the Senate of the following titles, viz:

1. An act to incorporate the Sandy Iron Manufacturing Company.
2. An act further to regulate and amend the laws regulating the town of Newport.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The yeas and nays being required on the passage of the first bill by Messrs. R. Wickliffe, Jr., and Wakefild were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Forman,	Munday,
Messrs. Barbour,	Garnett,	Owsley,
Barnett,	Gilliam,	Prewitt,
Biggs,	Graham,	Rouse,
Botts,	Holbrook,	Skiles,
Bramlette,	Innes,	Smith, B.
Brown, J. S.	Jefferson,	Smith, J. Speed
Bullock, W. F.	Johnson, R. M.	Thompson,
Busby,	Karrick,	Triplett,
Chambers,	Kennedy, J.	Todd,
Chowning,	Kinkead,	Vance,

Chrisman, G. T.	Kirtley,	Vawter,
Cox,	Marshall, W. C.	Wand,
Craddock,	Marshall, W. N.	Weir,
Drake,	McCann,	Welch,
Fible,	McKee,	White, D.
Fletcher,	Morin,	Wolfe—51.

Those who voted in the negative, were—

Messrs. Bowman,	Gaines,	Petree,
Brien,	Gholson,	Sanders,
Bullock, E. I.	Harrison,	Smither,
Carpenter,	Hays,	Stone,
Chism,	Ireland,	Taylor,
Chrisman, M. T.	Johnson, D. B.	Thomasson,
Clarke,	Kennedy, W.	Wakefield,
Conklin,	Lykins,	White, J.
Conway,	Martin,	Wickliffe, R.
Cornish,	Noe,	Wickliffe, R. L.
Cummins,	Nuttall,	Wortham,
Flournoy,	Paxton,	Young—36.

A bill from the Senate, entitled, an act to amend an act, entitled, an act to appoint patroles in the Commonwealth of Kentucky, was read a third time.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A resolution from the Senate in relation to the duties of Public Printer, was taken up, twice read, and concurred in.

A message was received from the Senate announcing that they had passed a bill from this House, entitled, an act for the benefit of John Hulme, with an amendment, in lieu of the bill.

The said amendment was then taken up and read, as follows, viz:

That the Governor be authorized to place in the Treasury the sum of three thousand dollars in thirty year bonds of the Internal Improvement fund, and that the Auditor issue his warrant in favor of John Hulme for said sum, to be paid in said bonds; and the Auditor is authorized to issue his warrant in favor of said Hulme for the sum of three thousand three hundred and eighty four dollars eighty four cents, in satisfaction of his demand on the Commonwealth.

Mr. Nuttall then moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the affirmative.

The main question was then put—Shall the amendment of the Senate be concurred in? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Fletcher and Conklin, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Drake,	Paxton,
Messrs. Barbour,	Fible,	Petree,
Biggs,	Flournoy,	Prewitt,
Botts,	Forman,	Rouse,
Bramlette,	Garnett,	Rumsey,
Brawner,	Gilliam,	Skiles,
Browder,	Graham,	Smith, B.
Brown, J. S.	Holbrook,	Smith, J. Speed
Brown, T. D.	Innes,	Swope,
Buford,	Jefferson,	Taylor,
Bullock, E. I.	Johnson, R. M.	Thomasson,
Bullock, W. F.	Karrick,	Triplett,
Busby,	Kennedy, J.	Todd,
Carpenter,	Kennedy, W.	Vance,
Chambers,	Kinkead,	Vawter,
Chism,	Kirtley,	Wakefield,
Chowning,	Lewis,	Weir,
Chrisman, G. T.	Marshall, W. C.	Welch,
Chrisman, M. T.	McCann,	White, D.
Coombs,	Munday,	Wickliffe, R.
Cox,	Nuttall,	Wolfe,
Dixon,	Owsley,	Young—66.

Those who voted in the negative, were—

Messrs. Barnett,	Gaines,	Martin,
Bowman,	Gholson,	Morgan,
Brien,	Harrison,	Sanders,
Clarke,	Hays,	Stone,
Conklin,	Ireland,	Thompson,
Cornish,	Johnson, D. B.	Wand,
Craddock,	Lykins,	White, J.
Cummins,	Marshall, W. N.	Wickliffe, R. L.
Fletcher,	McKee,	Wortham—27.

A bill from the Senate, entitled, an act to give an additional term to the Hardin Circuit Court, was read a second time, and ordered to be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House then took up the bill to establish the Citizens' Bank of Kentucky.

On motion of Mr. Craddock, the said bill was then amended.

The said bill, as amended, reads as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a Bank shall be, and the same is hereby, established, by

the name of the "Citizens' Bank of Kentucky," to be located in the town of Frankfort, and to be under the direction of a President and seven Directors, to be chosen by joint ballot of both houses of the General Assembly, who shall continue in office until the next stated session of the General Assembly, and until their successors, chosen in like manner, are appointed to act: and the said President and Directors shall appoint a Cashier, Clerk, and such other persons as are necessary to aid in conducting the same: and they shall take from the said Cashier, annually, bond with sufficient security, in a penalty of not less than one hundred thousand dollars, payable to the Commonwealth of Kentucky, conditioned for his good behaviour, and for the faithful discharge of the duties of his office.

Sec. 2. That the President and Directors of the said Bank, elected in the manner aforesaid, and their successors in office shall be, and they are hereby, made a body politic, in law and in fact, by the name and style of the Citizens' Bank of Kentucky, and shall so continue until the first day of January, one thousand eight hundred and sixty two; and, by the name and style aforesaid, they shall be, and are hereby made able and capable, in law and equity, to have, purchase, receive, possess, enjoy, and retain, to themselves and their successors, lands, rents, tenements, hereditaments, goods, and chattels, of what kind, nature or quality soever, and the same to sell, grant, alien, demise, and dispose of; to sue and be sued, plead and be impleaded, answer, and be answered, defend and be defended, in courts of record, or any other place whatsoever; and, also, to make, have, and use, a common seal, and the same to break, alter, and amend, at pleasure; and, also, to ordain, establish, and put in execution, such by-laws, ordinances, and regulations, as shall seem necessary and convenient for the government of the said corporation, not being contrary to the laws and constitution of this State, or the United States.

Sec. 3. The whole capital stock of the said Bank shall be exclusively the property of the Commonwealth of Kentucky, and no individual or corporation shall be permitted to own or hold any part of the capital stock of the said Bank.

Sec. 4. That the said President and Directors shall have power to receive money on deposit, and pay out the same without charge; to issue notes, signed by the President and countersigned by the Cashier, not under the amount or denomination of five dollars, nor over one hundred dollars; to loan money, discount promissory notes and bills, and deal in exchange; said bills and Bank notes to be made payable to bearer, on demand, at its office of discount and deposit at Frankfort; and they shall not issue any notes, bills, checks, or orders, payable to bearer, other than such as are made payable on demand. The promissory notes made payable to any person, or persons, and negotiable and payable at its principal office of discount and deposit, or any of its branches, and endorsed to and discounted by the said Bank, shall be, and they are hereby put on the same footing as foreign bills of exchange, and remedy may be had, jointly or severally, against the drawers and endorsers, and with like effect, except as to damages.

Sec. 5. That the capital stock of the said Bank shall not exceed five million of dollars, to be raised and paid in the following manner, to-wit: That the Bank of Louisville shall pay to the President and Directors of the said Citizens' Bank, the sum of seventeen thousand five hundred dollars, being the amount of stock owned by the State, in the name of the Commissioners of

the Sinking Fund: that the Bank of Kentucky shall, likewise, pay to the President and Directors of the said Citizens' Bank, the sum of five hundred and eighty three thousand five hundred and ninety eight dollars and thirty six cents, being the amount of the surplus revenue deposited with this State, which was invested in the fifth million of the stock of the said Bank: and, that the Northern Bank of Kentucky shall, likewise, pay to the President and Directors of the said Citizens' Bank the sum of three hundred and forty thousand dollars, being a portion of the stock owned by the State in the said Bank; which several sums of money shall be paid in three equal payments, at the following periods of time, to-wit: on the first days of June, September, and December, 1842. And that each of the said Banks shall, annually, pay to the President and Directors of the said Citizens' Bank, the bonus, or tax, on the residue of their capital stock, at the time the same falls due, respectively; and that they do, also, pay to the President and Directors of the said Citizens' Bank, dividends on the remaining stock owned by the State in said Banks, as they are from time to time, declared. That all the monies which now is, or which may hereafter become due to the Comissioners of the Sinking Fund, shall be paid to the President and Directors of the said Citizens' Bank. That the sum or sums of money which may be received by this State, under an act of Congress to appropriate the proceeds of the sales of the public lands, shall, also, be paid to the President and Directors of the said Citizens' Bank. All of which several sums of money shall constitute and compose the capital stock of the said Citizens' Bank.

SEC. 6 That nothing in this act shall be so construed as to exempt the means and resources of the Sinking Fund from the payment of the interest on the internal improvement debt of this State, in the same manner which the same is now liable to the payment of such debt. And that the net profits of the said Citizens' Bank shall be first applied to the payment of the interest on the debt of this State, created for purposes of internal improvement, so far as the same may be needed, and the remainder shall be applied to the payment of the principal debt as the same shall fall due.

SEC. 7. That in case of the death, resignation, removal, or refusal to act, of the said President or either of the Directors, a majority of those remaining in office shall fill up such vacancy, and the persons so appointed shall hold their office during the remainder of the time which the persons in whose place they may have been elected had to serve.

SEC. 8. That none of the officers of the said Citizens' Bank shall become security for any debt which may be contracted, for and on behalf of the said Bank; and each and every officer, connected with the said Bank, shall, before he enters on the duties of his office, take the following oath before some Justice of the Peace, or Circuit Judge, to-wit: "I, A. B. do solemnly swear (or affirm, as the case may be,) that I will faithfully discharge the duties assigned me, according to the best of my skill and abilities; and that I will not, directly, nor indirectly, for myself or others, loan the funds of the said Bank at a greater interest than is allowed by law, during my continuance in office: so help me God."

SEC. 9. That the said Bank shall not contract for or receive a greater rate of interest than at the rate of six per cent. per annum, for the loan or forbearance of money; and it shall not loan money for a longer period than one hundred and twenty days; nor shall such loan be made without at least two good and solvent sureties, besides the principal; and the said Bank

shall have the right to renew any loan upon the payment of such call as they shall deem proper; but, in all cases, the interest and call are to be paid in advance, and the interest on promissory notes, negotiable and payable at said Bank, and there discounted, shall be calculated on the true time such notes have to run, including three days of grace, and shall be paid in advance and on Rowlett's tables of discount and interest.

Sec. 10. That the total amount of debts which the said Bank shall at any time owe, whether by bond, bill, note, or contract, deposits excepted, shall not exceed double the amount of the capital stock of said Bank actually paid in; and, in case of excess, the directors under whose administration it shall happen, shall be liable for the same in their private and individual capacities, and an action of debt may, in such cases, be brought against them, or any of them, their, or any of their heirs, executors or administrators, in any court in this State having jurisdiction, by any creditor or creditors of the said corporation, and may be prosecuted to judgment and execution, any condition, covenant, or agreement, to the contrary notwithstanding: *Provided*, That if the President or any of the Directors may be absent, when the excess may be contracted or created, or being present shall dissent from the act by which the excess is about to be contracted or created, he or they shall not be liable under this section, if he or they shall, within ten days from the creation of such excess, or discovery thereof, file an affidavit of their absence or dissent with the Secretary of State; but this shall not be construed to exempt the said Bank or its effects from being also liable and chargeable with such excess.

Sec. 11. That not less than five Directors shall constitute a board to do business, of whom the President shall always be one, except in case of sickness, or necessary absence, in which case his place may be supplied by any other director, who may be selected by a majority of the Directors.

Sec. 12. That it shall be the duty of the President and Directors of the said Bank, to make such arrangements and regulations as will secure to the citizens of each county in this State, a just proportion of the capital of the said Bank, to be loaned; which proportion shall be ascertained agreeably to the taxes paid by each county into the Public Treasury for the year eighteen hundred and forty one; and when any payment shall be made into the said Bank, it shall be the duty of the President and Directors so to conduct the proceedings as not to re-loan to citizens of any county, the same, or any part thereof, originally intended for another county; but the sums thus paid in, may, from time to time, be re-loaned to citizens of the same county, so long as it may be to the interest or safety of the said Bank; and the said President and Directors shall not receive, in discharge of loans made by them, any thing but the notes of the Bank hereby created, or gold and silver.

Sec. 13. That no person who may be a president, director, or stockholder, of any other Bank, shall be eligible to the office of President or Director of the said Citizens' Bank.

Sec. 14. That it shall be the duty of the President of the said Bank to cause an accurate and detailed report of their proceedings and situation to be made to each session of the General Assembly, and during the first week thereof—setting forth in said report the names of the persons borrowing money, and the amount so borrowed, and the manner in which the same is secured.

Sec. 15. That the President of the said Bank shall be allowed, for his ser-

vices, the sum of twelve hundred dollars per annum, payable half yearly; and the Cashier of the said Bank shall be allowed the sum of one thousand dollars per annum, payable in like manner; and the President and Directors shall make such allowance to their clerks as they may think right, not to exceed the amount to be paid to the Cashier, payable as aforesaid, of whom they shall take bond, with good and sufficient security.

SEC. 16. That no loan to any individual or firm shall exceed the sum of two thousand dollars; and that no individual or firm shall, at any time, either as principal or security, owe the said Bank more than three thousand dollars; and that the officers of the said Bank shall be permitted to borrow money from the said Bank to the same extent and under the same restrictions as other persons, and not otherwise: *Provided*, That the President nor no Director shall vote upon his or their application for a loan.

SEC. 17. That the bills and notes of the said Bank shall be receivable at the Treasury of the State, and by all the tax gatherers and other public officers, in all payments for taxes or other moneys now due, or to become due, to the State, and by all collectors of the county levy; and all the bills and notes issued by the said Bank shall be payable and redeemable in gold and silver; and the faith of the State is hereby pledged for their redemption as aforesaid.

SEC. 18. That the President and Directors of the said Bank shall establish a branch in each congressional district in this Commonwealth, existing at the end of the present session of the General Assembly, except the district in which the principal Bank shall be located; and they shall annually appoint one President and seven Directors to each branch, who shall each reside in the district of his respective branch, and shall hold his office for one year from the time of his appointment, and until a successor or successors shall be appointed; and in the event of a vacancy happening by death, resignation, removal, refusal to act, or otherwise, of the President or either of the Directors of any of the branches of said Bank, a majority of those remaining in office shall fill up such vacancy, and the person or persons so appointed shall hold their office during the remainder of the time for which the President or Director so dying, resigning, refusing to act, or otherwise vacating his office, had to serve; and the President and Directors of each of the branches of said Bank shall appoint their own Clerks, Cashier, and other officers, if the business of the branch require it; and the several officers of the respective branches of said Bank shall be subject to the same conditions, restrictions, limitations and penalties as are imposed on the President, Directors and officers of the principal Bank: and the person appointed Cashier or Clerk of any of the branches of said Bank, shall hold their office during good behaviour, subject, however, to be removed by the joint resolution of both branches of the Legislature, or by the President and Directors of the branch to which he belongs, a majority of all the Directors concurring in such removal; and every Cashier and Clerk shall take the same oath prescribed by the eighth section of this act.

SEC. 19. That neither the Cashiers nor Clerks of the principal Bank, or branches, shall become indebted to the said Bank, directly or indirectly, either as borrower, endorser, or otherwise.

SEC. 20. That if the President, Directors, Cashiers and Clerks, or any of them, or any other officer connected with either the principal Bank or any of its branches, shall wrongfully appropriate any of the funds of the said

corporation to his own use, or to the use of any other person, or shall wilfully fail to make correct entries, or shall knowingly make false entries, on the books of the said Bank, or any of its branches, with the intent to cheat or defraud the corporation, or any person, or to hide or conceal any improper appropriation of the funds of the corporation, the President, Director, Cashier, Clerk, or other officer connected with the said Bank or its branches, so offending, shall be deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail and penitentiary of this State, for a period not less than five, nor more than twenty years.

Sec. 21. That whosoever shall alter, forge, or counterfeit any bill or note of the said Bank, or shall erase or alter the same, or any endorsement thereon, or shall tender in payment, utter, vend, exchange, barter, or have in his possession any such altered, forged, or counterfeited bill or note, or the endorsement thereon, knowing it to be such, or shall knowingly demand to have the same exchanged, with the intention to defraud, and all and every person who shall be accessory to any of the aforesaid offences, shall undergo a confinement in the jail and penitentiary of this State for any period not less than five, nor more than ten years.

Sec. 22. That the Treasurer of this Commonwealth be, and he is hereby, directed and required to furnish the President and Directors of the said Bank with such sums of money as may be sufficient to procure the plates, and other things necessary to carry the said Bank into full and complete operation, not exceeding the sum of one thousand dollars.

Sec. 23. That the General Assembly may, from time to time, make such changes and alterations in the constitution of said Bank, as may be deemed proper and expedient.

Sec. 24. That no loan shall be made by the said corporation to any Government or State except the Commonwealth of Kentucky, nor to any person, or persons, residing in any other Government, State, or Territory, or to any corporation, or body politic, chartered or incorporated by this or any other Government.

Sec. 25. That the President and Directors of the principal Bank shall prescribe the form of the notes to be executed by the persons borrowing money of said Bank, or the branches thereof; and such notes of hand shall have precedence, and be paid first by executors and administrators, any law to the contrary notwithstanding.

Sec. 26. That it shall be the duty of the President and Directors of the principal Bank, and they are hereby required, as often as once in every month, to cause a strict examination of the accounts of the Cashier, and a full and complete statement to be entered on the journals of the proceedings of the board; and they shall cause the President and Directors of the several branches to make a like monthly examination and statement of the accounts of their Cashiers, to be made and entered on the journals of their proceedings.

Sec. 27. The Cashiers of the branches respectively, shall annually execute bond to the Commonwealth of Kentucky, in a penalty of at least fifty thousand dollars, with good and sufficient security, to be approved of by the President and Directors of the branch Bank to which he may belong, conditioned for the faithful discharge of the duties of his office; and the President, Directors and other officers of the several branches of the said Bank, shall

each possess the same qualifications, and take the same oath, which is required to be taken by the officers of the principal Bank.

SEC. 28. That the President and Directors of the said Bank shall cause the said Bank and branches to be put into full and complete operation on or before the first day of June next, or so soon thereafter as practicable.

SEC. 29. That it shall be the duty of the President and Dtrectors of the several branches of the said Bank, at least once in every three months and oftener if the President and Directors of the principal Bank require it, to report their proceedings and condition to the principal Bank.

SEC. 30. That the said Bank, nor any of its branches, shall not be permitted to loan any money on any other security than personal security; but they are hereby permitted to receive mortgages on personal and real estate and slaves, to secure the payment of any debt or debts which any person or persons shall owe the said Bank or branches.

SEC. 31. That when a Director of either the principal Bank or any of its branches, shall be chosen from a county in which the said principal Bank or branch is not located, said Director's accommodation shall be deducted from the sum allotted to be loaned in the county from which such director is taken.

SEC. 32. That upon the failure or refusal of the said Bank of Kentucky, Northern Bank of Kentucky, and Bank of Louisville, or either of them, to pay to the President and Directors of the said Citizens' Bank, the said sums of money required to be paid by the fith section of this act, at the time and in the manner as by the said section required, it shall be the duty of the Attorney General of this Commonwealth to take the necessary steps to forfeit the charter of such defaulting bank or banks.

Mr. W. C. Marshall then moved to lay said bill on the table for the present.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. E. I. Bullock and Nuttall, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Forman,	Noe,
Messrs. Barnett,	Garnett,	Owsley,
Biggs,	Gholson,	Paxton,
Botts,	Graham,	Petree,
Bowman,	Harrison,	Rumsey,
Brien,	Hays,	Smith, B.
Browder,	Holbrook,	Smith, J. Speed
Bullock, W. F.	Jefferson,	Taylor,
Carpenter,	Karrick,	Thomasson,
Chambers,	Kennedy, J.	Thompson,
Chism,	Kennedy, W.	Triplett,
Chrisman, G. T.	Kinkead,	Todd,
Clarke,	Lewis,	Vance,
Coombs,	Marshall, W. C.	Vawter,
Cox,	Marshall, W. N.	Weir,
Cummins,	McCann,	White, J.

Fible,	McKee,	Wickliffe, R.
Fletcher,	Martin,	Wolfe—56.
Flournoy,	Munday,	

Those who voted in the negative, were—

Messrs. Barbour,	Cornish,	Prewitt,
Bramlette,	Craddock,	Rouse,
Brawner,	Drake,	Sanders,
Brown, J. S.	Gaines,	Smither,
Brown, T. D.	Gilliam,	Stone,
Buford,	Innes,	Swope,
Bullock, E. I.	Ireland,	Wakefield,
Busby,	Johnson, D. B.	Wand,
Carlisle,	Johnson, R. M.	Welch,
Chowning,	Kirtley,	White, D.
Chrisman, M. T.	Lykins,	Wickliffe, R. L.
Conklin,	Morgan,	Wortham,
Conway,	Nuttall,	Young—39.

The House then took up the bill for revising and publishing the laws of this State.

The said bill was then amended, and, as amended, reads as follows, viz:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That ———————— be, and they are hereby, appointed commissioners, and authorized to collate and revise all such public acts of the Legislature of this State which shall be in force at the close of the present session, as are general and permanent in their nature; and that in the performance of such duty, they shall carefully collect and reduce into one act the different acts and parts of acts which, from similarity of subject, ought, in their judgment, to be so arranged and consolidated, distributing the same under such titles, divisions and sections as they shall think proper; and omitting all such acts or parts of acts, before passed, as shall have been repealed, or have expired by their own limitation, or be repugnant to the present constitution of this State; and that, in every other respect, they shall complete the said revision in such manner as to them shall seem most useful and proper, to render the said acts more plain and easy to be understood; and that, from time to time, they shall lay before the Legislature the acts so revised and arranged by them, to be re-enacted if the Legislature shall so determine: *Provided*, That no change shall be made by the said revisors in the phraseology or distribution of the sections of any statute that has been the subject of judicial decision, by which the construction thereof, as established by such decision, shall or can be affected or impaired.

Sec. 2. *Be it further enacted*, That when the said acts shall be so presented to the Legislature for re-enactment, the said revisors shall also suggest to the Legislature such contradictions, omissions or imperfections as may appear in the acts so to be revised, and the mode in which the same may be reconciled, supplied or amended: and may also designate such acts or parts of acts, if any, as in their judgment ought to be repealed, with their reasons for advising such repeal: and may also recommend the passage of

such new acts, or parts of acts, as such repeal may, in their judgment, renner necessary.

SEC. 3. *Be it further enacted*, That the said revisors shall also collate, revise, and reduce into proper form, under such titles, and in such order, as to them shall seem most convenient, all other public acts, or parts of acts, of the Legislature of this State, which shall be in force at the present session, omitting such acts of incorporation, and acts or parts of acts partial or local in their nature, as in their judgment ought not to be included in the publication of the laws so to be revised.

SEC. 4. *Be it further enacted*, That the said revisors shall, from time to time, lay before the Legislature the acts or parts of acts last mentioned to be collated and revised by them, to be re-enacted if the Legislature shall so determine; and shall also present to the Legislature the titles of such acts of incorporation, and acts partial or local in their nature, as they shall have deemed it inexpedient to revise, that the Legislature may direct the same to be printed with the revsied laws if they shall deem proper.

SEC. 5. *Be it further enacted*, That after the laws, so revised as aforesaid, shall have been submitted to, and approved of by the Legislature, the said revisors shall prepare the same for the press, with such marginal notes and references as shall appear best calculated for the public information; and shall also prepare for publication, with the said laws, the constitution of the United States of America; the former and present constitution of this State; the articles of confederation, and the compact between Virginia and Kentucky; and that the said revisors shall make an index of the matters contained in said work, and also a separate index of the public acts in force, and omitted, together with a reference to the year when they were severally passed.

SEC. 6. *Be it further enacted*, That it shall be the duty of the said revisors, after the said work shall have been prepared for publication in the manner aforesaid, to cause the same to be printed, bound, and published, upon such terms as they may think proper, having a reasonable regard to economy therein; and that the laws so printed and published, shall be evidence in all courts of justice in this State.

SEC. 7. *Be it further enacted*, That the said revisors shall also cause —— copies of the said work, completely bound in calf, to be delivered to the Secretary of State, to be by him retained subject to the order of the Legislature from time to time; and shall also deliver to the said Secretary —— copies of the said work, to be bound in such manner as may be thought proper, to be sold under the direction of the said Secretary, and the avails to be paid into the Treasury of this State; and that the said Secretary shall cause the copy-right to be secured according to law, for the benefit of the people of this State.

SEC. 8. *Be it further enacted*, That the said revisors shall be allowed the term of two years to complete the duties assigned to them in and by this act, and that in the execution of those duties, they shall have free access to any public records or papers of this State, and be permitted to examine the same without fee or reward.

SEC. 9. *Be it further enacted*, That the said revisors shall be, and they are hereby, allowed 1,000 dollars each, for the services hereby required of them; and the Legislature shall, by law, make provision for the payment of a further compensation, if they shall be deemed entitled thereto.

Sec. 10. *Be it further enacted*, That the Treasurer of this State, shall, from time to time, pay, on the warrant of the Second Auditor of Public Accounts, to the said revisors, or either of them, such sums of money as shall appear to the said Auditor to be necessary for defraying the expenses incurred or contracted for by said revisors, or either of them, in the performance of the duties assigned in and by this act.

Sec. 11. *Be it further enacted*, That in case the persons before named, or either of them, shall refuse to act in the premises, or shall die, resign or remove from the State, before the completion of the duties assigned to them, the General Assembly, at their next meeting, shall appoint others, or another, in their, or his, stead, who shall have the like powers as aforesaid, and be entitled to a compensation which shall be proportionally equal to that which is allowed by this act to the persons before named.

Mr. Browder then moved to lay said bill on the table for the present.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. R. Wickliffe, Jr., and Morgan, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barbour,	Forman,	Petree,
Bowman,	Garnett,	Prewitt,
Brawner,	Gholson,	Rouse,
Brien,	Gilliam,	Rumsey,
Browder,	Graham,	Sanders,
Bullock, W. F.	Hays,	Smith, B.
Busby,	Innes,	Thompson,
Carlisle,	Ireland,	Triplett,
Carpenter,	Jefferson,	Todd,
Chism,	Johnson, D. B.	Vance,
Chowning,	Karrick,	Wakefield,
Chrisman, G. T.	Kennedy, J.	Wand,
Chrisman, M. T.	Kennedy, W.	Weir,
Clarke,	Kirtley,	Welch,
Coombs,	Lewis,	White, D.
Conklin,	Lykins,	White, J.
Cornish,	Morgan,	Wickliffe, R. L.
Cox,	Munday,	Wortham,
Craddock,	Paxton	Young—57.

Those who voted in the negative, were—

Mr. Speaker,	Gaines,	Martin,
Messrs. Barnett,	Holbrook,	Morin,
Biggs,	Johnson, R. M.	Smith, J. Speed
Botts,	Kinkead,	Smither,
Bramlette,	Marshall, W. C.	Stone,
Bullock, E. I.	Marshall, W. N.	Thomasson,
Conway,	McCann,	Vawter,
Cummins,	McKee,	Wickliffe, R.—25.
Fletcher,		

And then the House adjourned.

FRIDAY, FEBRUARY 25, 1842.

A message was received from the Senate announcing the passage of bills from this House of the following titles, viz:

An act to incorporate the Lagrange Library Association.

An act to incorporate the Mount Washington Academy.

And that they had passed bills of the following titles, viz:

An act touching the town of Somerset.

An act enlarging the limits of the town of Bryantsville.

An act for the benefit of Dillard Hazlerigg and Almanzo Ward.

An act for the benefit of William R. M'Ferran.

Resolutions in relation to the admission of Texas into the Union of the United States.

And had received official information from the Governor that he had approved and signed enrolled bills which originated in the Senate, of the following titles, viz:

An act concerning turnpike roads in this Commonwealth.

An act granting a change of venue to Vardeman Faris.

An act for the benefit of Lud Fore.

An act allowing an additional Constable to Lawrence county, and for other purposes.

An act for the benefit of the Female Academies of Nazareth and Loretto.

An act further to amend the charter of the Mechanics' Savings Institution of the city of Louisville.

An act for the benefit of Harrison Rankins and wife and children.

An act for the benefit of Mary Hyatt and her children.

An act to change the name of William O. Gallihew to that of William Rice.

An act to amend the revenue law.

An act for the benefit of the heirs of Knight B. Curd, late of Warren county, Kentucky.

An act to amend an act to allow the Independent Banks of this Commonwealth further time to settle their concerns.

An act to amend the law in relation to the collection of fee bills in this Commonwealth.

An act to extend the time of receiving and registering head-right plats and certificates, and legalizing those received since the old law expired.

An act to amend the law concerning the revivor of suits.

An act to incorporate the Greenup Iron Manufacturing Company under the general law.

An act for the benefit of the Georgetown Light Artillery.

An act for the benefit of Henry O. Brown and others.

An act for the benefit of Thomas G. Tupman and his securities.

An act for the benefit of George W. Bush and others.

An act for the benefit of certain Sheriffs.

An act to authorize the Trustees of the town of Mayfield to sell a lot known on the plan of said town, as the "College lot," and purchase another.

An act allowing further time to the 32d Regiment Kentucky Militia to hold their Court of Assessment.

An act for the benefit of Richard T. and John H. Allison.

An act for the benefit of the widow and heirs of John T. Langhorne, deceased.

An act for the divorce of Elisha Weller.

An act to reduce the number of Justices of the Peace in Nicholas county.

An act for the benefit of the Sheriffs of Nicholas and Lawrence counties.

An act to amend an act, entitled, an act appointing Commissioners to lay off and mark a State road from Harrodsburg to Smithland, in the county of Livingston, approved February 9, 1828.

An act for the benefit of common schools in Franklin county.

An act to regulate elections in the county of Marshall, and for other purposes.

An act to attach the county of Crittenden to the 16th judicial district, and for other purposes.

An act for the benefit of the infant heirs of Tabitha Gooch, dec'd.

Approved February 23, 1842.

Preamble and resolutions in relation to the settlement of the accounts of the Green and Barren river Commissioners.

Approved February 23, 1842.

Mr. J. S. Brown presented the memorial of T. & A. Darling, and Knott, Mahan & Co., in relation to their contracts for building locks and dams on Kentucky river—which was received, read, and laid on the table.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had approved and signed enrolled bills and a resolution which originated in this House, of the following titles, viz:

An act to incorporate the town of Independence in the county of Kenton, and further to regulate the town of Stephensport.

An act for the divorce of Robert S. Brame and Elizabeth, his wife.

An act to change the name of Rebecca Ann Smith, and for other purposes.

An act to establish a State road from the Ohio river to Albany, in Clinton county, and for other purposes.

An act to amend the road law in the county of Bracken.

An act to amend the act incorporating the Jefferson Pond Draining Company.

An act to change the time of holding the Knox County Court.

An act for the benefit of the Clerk of the Owen County Court.

An act for the benefit of Richard W. Hawkins, deputy Sheriff of Carroll county.

An act for the benefit of Grace Church, in Hopkinsville, Kentucky.

An act to incorporate the Barboursville Lyceum.

An act for the benefit of A. Rawlings.

An act to amend an act, entitled, an act authorizing the County Court of Pendleton to appoint a county Treasurer for said county.

An act for the benefit of William Ratliffe.

An act to regulate and fix the value of unappropriated land in the county of Madison.

An act for the benefit of James Byers, Jr.

An act to amend an act, entitled, an act to incorporate the Russellville and Clarkesville turnpike road company.

An act to allow additional Justices of the Peace to certain counties, and for other purposes.

An act to establish tobacco inspections at Montezuma and Louisa.

An act for the benefit of the Sheriffs of Meade, Hart, Wayne and Marion counties.

An act to legalize the marriage of James Lashbrook and Nancy Burkhead, and the marriage of James Ransdell and Nancy Cornwell.

An act for the benefit of Richard Cundiffe, Sr.

An act for the benefit of Sarah Gough.

An act to amend an act, entitled, an act to amend and reduce into one the several acts regulating the town of Henderson, approved January 21, 1840, and further to regulate the town of Winchester.

An act to amend an act, entitled, an act to establish and improve a State road from Landing, in Boone county, to intersect the Covington and Lexington turnpike road, approved January 29, 1836.

Approved February 24, 1842.

A resolution in relation to tolls charged at the locks.

Approved February 24, 1842.

Mr. Kirtley presented the petition of William B. Moore, praying compensation as attorney for the Commonwealth—which was received, the

reading dispensed with, and referred to Messrs. Kirtley, Vance and Craddock.

Mr. Browder, from the committee on Religion, to whom was referred bills from the Senate of the following titles, viz:

An act for the benefit of Emily Jackson.

An act for the divorce of Catharine Pepper, and to change her name.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Craddock, from the committee on Claims, to whom was referred a bill from the Senate, entitled, an act for the benefit of William Beatty—reported the same without amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Browder, from the committee on Religion, to whom was referred a bill from the Senate, entitled, an act for the divorce of William Fenwick—reported the same without amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

The reading of said bill being called for, it is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between William Fenwick and Margaret Fenwick, his wife, is forever dissolved, so far as respects the said William, who is hereby restored to all the rights and privileges of an unmarried man.

Mr. Gaines then moved to lay said bill on the table for the present.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Gaines and Gholson, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Chism,	Marshall, W. N.
Messrs. Barbour,	Clarke,	McCann,
Barnett,	Cox,	McKee,
Bowman,	Cummins,	Petree,
Bramlette,	Gaines,	Smith, B.
Brawner,	Gholson,	Taylor,

Browder,	Harrison,	Todd,
Bullock, E. I.	Holbrook,	Welch,
Bullock, W. F.	Kennedy, J.	White, J.
Carlisle,	Kennedy, W.	Wickliffe, R.
Carpenter,	Kirtley,	Wickliffe, R. L.-33

Those who voted in the negative, were—

Messrs. Biggs,	Graham,	Rouse,
Botts,	Hays,	Rumsey,
Brien,	Innes,	Sanders,
Brown, J. S.	Ireland,	Smither,
Brown, T. D.	Jefferson,	Stone,
Busby,	Johnson, D. B.	Swope,
Chambers,	Johnson, R. M.	Thomasson,
Chowning,	Karrick,	Thompson,
Chrisman, G. T.	Kinkead,	Triplett,
Chrisman, M. T.	Lewis,	Vance,
Coombs,	Marshall, W. C.	Vawter,
Conklin,	Martin,	Wakefield,
Conway,	Morgan,	Wand,
Cornish,	Morin,	Weir,
Craddock,	Munday,	Whaley,
Drake,	Nuttall,	White, D.
Fible,	Owsley,	Wolfe,
Fletcher,	Paxton,	Wortham,
Forman,	Prewitt,	Young—58.
Gilliam,		

The following amendments were then proposed to said bill, by way of engrossed ryder, viz:

Be it further enacted, That John Smith, of Germantown, Mason county, (wool carder,) be, and he is hereby, divorced from his wife, Rebecca Ann Smith.

Be it further enacted, That the marriage contract heretofore existing between Susannah E. Wragg and Benjamin F. Wragg, be, and the same is hereby, forever dissolved, so far as concerns Susannah E. Wragg; and that the said Susannah be restored to all the rights and privileges of an unmarried woman, and her name be changed from Susannah E. Wragg to that of Susannah E. Owens.

Be it further enacted, That the marriage contract heretofore existing between John Pryor and Elizabeth, his wife, be, and the same is hereby, dissolved, so far as the said Elizabeth is concerned; and she is hereby restored to all the rights and privileges of an unmarried woman.

Be it further enacted, That Sarah Weatherford be, and she is hereby, divorced from her husband, Fountain Weatherford; and that she be restored to all the rights and privileges of an unmarried woman.

Be it further enacted, That the marriage contract heretofore existing between William Fenwick and Margaret Fenwick, be, and the same is hereby, dissolved, so far as said Margaret is concerned; and she is hereby restored to all the rights and privileges of an unmarried woman.

Be it further enacted, That the marriage contract between Frances Ann Dauson and James Dauson, be, and the same is hereby, dissolved, so far as relates to the said Frances Ann; and she is hereby restored to all the rights and privileges of an unmarried woman.

Be it further enacted, That the marriage contract existing between Judiah Gray and Elizabeth Gray, be, and the same is hereby, dissolved, so far as it relates to the said Elizabeth, and she be restored to all the privileges of an unmarried woman, and her name changed to Elizabeth Lemons.

And the question being taken on the adoption thereof, it was decided in the affirmative.

Mr. Fletcher then moved the following amendment to said bill, viz:

Be it further enacted, That all married persons now living separate and apart shall be divorced from and after the passage of this act, and restored to all the rights and privileges of unmarried persons.

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon by Messrs. W. C. Marshall and Conklin, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Fletcher—1.

Those who voted in the negative, were—

Mr. Speaker,
Messrs. Barbour,
Barnett,
Biggs,
Botts,
Bowman,
Bramlette,
Brawner,
Brien,
Browder,
Brown, J. S.
Brown, T. D.
Buford,
Bullock, E. I.
Bullock, W. F.
Busby,
Carlisle,
Carpenter,
Chambers,
Chism,
Chowning,
Chrisman, G. T.
Chrisman, M. T.
Clarke,
Conklin,
Fible,
Forman,
Gaines,
Gholson,
Gilliam,
Graham,
Harrison,
Hays,
Holbrook,
Innes,
Ireland,
Jefferson,
Johnson, D. B.
Johnson, R. M.
Karrick,
Kennedy, J.
Kennedy, W.
Kinkead,
Kirtley,
Lewis,
Lykins,
Marshall, W. C.
Marshall, W. N.
McCann,
McKee,
Owsley,
Paxton,
Petree,
Prewitt,
Rouse,
Rumsey,
Sanders,
Smith, J. Speed
Smither,
Stone,
Swope,
Taylor,
Thomasson,
Thompson,
Triplett,
Todd,
Vance,
Vawter,
Wakefield,
Wand,
Weir,
Welch,
Whaley,
White, D.
White, J.

Conway,	Martin,	Wickliffe, R.
Cornish,	Morgan,	Wickliffe, R. L.
Cox,	Morin,	Wolfe,
Craddock,	Munday,	Wortham,
Cummins,	Noe,	Young—92.
Drake,	Nuttall,	

Mr. Fletcher then moved to lay said, bill, as amended, on the table for the present.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Fletcher and Drake, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Cornish,	Marshall, W. N.
Messrs. Barbour,	Cox,	McCann,
Barnett,	Craddock,	McKee,
Botts,	Cummins,	Noe,
Bowman,	Drake,	Owsley,
Bramlette,	Fletcher,	Petree,
Brien,	Gaines,	Rouse,
Browder,	Gholson,	Smither,
Brown, T. D.	Graham,	Stone,
Bullock, E. I.	Harrison,	Taylor,
Bullock, W. F.	Hays,	Thompson,
Carlisle,	Holbrook,	Triplett,
Carpenter,	Innes,	Todd,
Chism,	Ireland,	Vance,
Chrisman, M. T.	Jefferson,	Weir,
Clarke,	Johnson, D. B.	White, J.
Coombs,	Kennedy, J.	Wickliffe, R.
Conklin,	Kennedy, W.	Wickliffe, R. L.-56
Conway,	Kirtley,	

Those who voted in the negative, were—

Messrs. Biggs,	Lykins,	Swope,
Brawner,	Marshall, W. C.	Thomasson,
Brown, J. S.	Martin,	Vawter,
Buford,	Morgan,	Wakefield,
Busby,	Morin,	Wand,
Chambers,	Munday,	Welch,
Chowning,	Nuttall,	Whaley,
Chrisman, G. T.	Paxton,	White, D.
Fible,	Prewitt,	Wolfe,
Forman,	Rumsey,	Wortham,
Johnson, R. M.	Sanders,	Young—35.
Karrick,	Skiles,	

The House again resumed the consideration of the bill to establish the county of Lynn.

Ordered, That said bill be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Ordered, That said bill be placed in the orders of the day.

Mr. Vance, from the committee on Ways and Means, reported a bill for the benefit of Thomas J. Nolin—which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A bill to re-establish the town of Portland, was read a second time.

Mr. W. C. Marshall then moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the affirmative.

The main question was then put—Shall the bill be engrossed and read a third time? and it was decided in the affirmative.

Mr. Flournoy, from the committee on Enrollments, reported that the committee had examined sundry enrolled bills and resolutions which originated in the House of the following titles, and had found the same truly enrolled, viz:

An act to reduce into one, and digest and amend the acts, and amendatory acts, incorporating the city of Lexington.

An act for the benefit of John Hulme.

An act concerning the town Marshals of Harrodsburg and Danville, and for other purposes.

An act for the benefit of Nicholas L. Oliver, late Sheriff of Henry county.

An act for the benefit of the Sheriff of Laurel county.

An act for the benefit of the Clerks of the Garrard and Hart County and Circuit Courts.

An act for the benefit of Benjamin Wickersham.

And resolutions in relation to amendments to the constitution of the United States.

And that they had examined sundry enrolled bills and resolutions from the Senate of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of Jailey Watson and others.

An act to give an additional term to the Hardin Circuit Court.

An act regulating tolls on turnpike roads in which the Commonwealth is a joint stockholder, and for other purposes.

An act to amend an act, entitled, an act to appoint patroles in the Commonwealth of Kentucky.

An act to incorporate the Sandy Iron Manufacturing Company.

An act adding Spencer county to the 13th judicial district, and to extend the terms of the Jefferson Circuit Court.

An act further to regulate and amend the laws regulating the town of Newport.

A resolution fixing a day to elect a Senator in Congress.

A resolution in relation to the duties of the Public Printer.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Flournoy inform the Senate thereof.

Mr. W. N. Marshall, from the committee on Privileges and Elections, to whom was referred a bill from the Senate, entitled, an act more effectually to protect the right of suffrage—reported the same without amendment.

Mr. J. Speed Smith then moved to amend said bill.

And, after some discussion had thereon, the hour of 12 o'clock arrived, when the House proceeded to the orders of the day.

A message was received from the Senate announcing their concurrence in a resolution from this House in relation to the removal of the steamboat New Argo.

The amendment proposed by the Senate to a bill from this House, entitled, an act to incorporate the Mount Washington Academy—were twice read and concurred in.

Bills from the Senate of the following titles, viz:

An act for the benefit of William R. M'Ferran.

An act enlarging the limits of the town of Bryantsville.

An act for the benefit of Dillard Hazlerigg and Almanzor ward.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of said bill having been dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A bill from the Senate, entitled, an act touching the town of Somerset, was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Ordered, That said bill be laid on the table for the present.

On motion of Mr. Dixon, leave of absence for the balance of the session, after to-morrow, be granted to him and Mr. Taylor.

Ordered, That Mr. Chambers inform the Senate that this House is now ready to proceed to the election of a Senator in Congress in the place of Henry Clay, resigned.

A message was received from the Senate, by Mr. Payne, informing this House that the Senate was then ready to proceed with said election.

Mr. Gholson nominated Mr. John J. Crittenden as a suitable person to fill the office of Senater in Congress.

And after interchanging nominations the House proceeded to take the vote, which stood thus:

Those who voted for Mr. John J. Crittenden, were—

Mr. Speaker,	Drake,	Owsley,
Messrs. Barbour,	Fible,	Paxton,
Basye,	Fletcher,	Petree,
Biggs,	Flournoy,	Prewitt,
Botts,	Forman,	Rouse,
Bowman,	Garnett,	Rumsey,
Bramlette,	Gholson,	Sanders,
Brawner,	Gilliam,	Skiles,
Browder,	Graham,	Smith, B.
Brown, J. S.	Harrison,	Smith, J. Speed
Brown, T. D.	Hays,	Smither,
Buford,	Holbrook,	Stone,
Bullock, E. I.	Innes,	Swope,
Bullock, W. F.	Ireland,	Taylor,
Busby,	Jefferson,	Thomasson,
Carlisle,	Johnson, R. M.	Thompson,
Carpenter,	Karrick,	Triplett,
Chambers,	Kennedy, J.	Todd,
Chism,	Kennedy, W.	Vance,
Chowning,	Kinkead,	Vawter,
Chrisman, G. T.	Kirtley,	Wakefield,
Chrisman, M. T.	Lewis,	Wand,
Clarke,	Lykins,	Weir,
Coombs,	Marshall, W. C.	Welch,
Conklin,	McCann,	Whaley,
Conway,	McKee,	White, D.
Cornish,	Morgan,	Wickliffe, R.
Cox,	Morin,	Wickliffe, R. L.
Craddock,	Munday,	Wolfe,
Cummins,	Nuttall,	Young—91.
Dixon,		

Messrs. Nuttall, Gholson and Kinkead were appointed a committee, on the part of this House, to meet a similar committee, on the part of the Senate, to compare the joint vote and report the result.

After a short time Mr. Nuttall, from the committee, reported that the joint vote stood thus:

For Mr. John J. Crittenden, - - - - 120 votes.

The House then then took up for consideration the bill to enlarge and more fully protect the rights of married women.

The said bill reads as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That when any *feme sole* is or shall be possessed of any slave or slaves, as of her own proper slave or slaves, or of any interest therein, such slave or slaves, or whatever interest she may have therein, shall not accrue to and be vested in the husband whom she shall marry, but shall be held and owned by her, in the same manner as if they had been real estate: and where any slave or slaves, or any interest therein, or shall descend to any *feme covert*, the right, property and interest of such slave or slaves, shall not accrue to or be vested in the husband of such *feme covert*, but shall be held and owned by her as if they had been real estate; subject, however, in all cases, to the conditions hereinafter specified.

SEC. 2. *Be it further enacted*, That when any *feme covert* shall be possessed or entitled to any slave or slaves, or any interest therein, as aforesaid, or to any real estate, in law or equity, either in possession or remainder, within this Commonwealth, and a sale thereof, or of either or any part thereof, shall be deemed, by such *feme covert* and her husband, for the interest of such *feme covert*, it shall be lawful for her, in conjunction with her husband, to apply for that purpose, by petition, to the Circuit Court for the county in which such *feme covert* may reside, setting forth in such petition and suggesting that, in their opinion, such sale will redound to the advantage of such *feme covert*, and supported by an affidavit of the petitioners, of the truth of the facts set forth—whereupon, it shall and may be lawful for such Circuit Court to appoint three Commissioners, any two of whom shall be empowered and directed to ascertain and report to such Circuit Court the particular amount and value of the whole estate of such *feme covert*. It shall then be the duty of such Circuit Court, upon the most mature and solemn consideration of all the circumstatances of the case, to decide and determine whether they will authorize and direct the sale of the interest of such *feme covert*, or any part thereof.

SEC. 3. *Be it further enacted*, That in cases in which said Circuit Courts shall determine that a sale of the interest of such *feme covert* ought to be made, they shall proceed to enter up an order to that effect, directing a sale of such interest to be made by a Commissioner, to be appointed by the court, upon such reasonable credit as the court may prescribe—the Commissioner, making such sale, taking bond and good security, to be approved by such court, for the payment of the purchase money, agreeably to the terms of such sale, to the said Commissioner. And it shall be the duty of the Commissioner, acting under such order, from time to time, as required by order of such court, to make a written report of his proceedings; and the court shall order and decree the proceeds of such sale, or sales, to be disposed of and appropriated in such a manner as may appear to them most consistent with equity and the welfare and interest of such *feme covert*, and to be held and owned by her in such manner as the property which had been sold was held.

SEC. 4. *Be it further enacted*, That in all cases of the sales of the interest of a *feme covert*, which may be effected in virtue of the provisions of this act, a conveyance, by deed of bargain and sale, if it be real estate, or by bill of sale, if it be slaves, shall be executed by the Commissioner, by whom the sale shall have been effected, in the name and in be-

half of such *feme covert* to the purchaser; which conveyance shall vest the purchaser with all the right, title, interest, and claim at law, as well as in equity, which such *feme covert* had in the property, so sold, fully and completely. And in all cases, the Commissioner appointed under this act, before he shall make such sale, shall enter into, and acknowledge before the court, and deposit for safe keeping with the Clerk thereof, bond, or bonds, to such *feme covert* and her husband, for the benefit of such *feme covert*, with good and sufficient security, to be approved of by the court, and in such penalty as the court shall direct, conditioned to discharge, faithfully, all the duties imposed upon him by this act, or by any order or decree of the court, in pursuance thereof; upon which, suit may be instituted and recovery had thereon by such *feme covert*, and her husband, for her benefit, in case of a breach of the conditions thereof.

Sec. 5. *Be it further enacted*, That such real estate and slaves of a *feme covert* as are specified in this act shall not be liable to any debt or debts of the husband of such *feme covert;* nor shall any interest therein, nor the proceeds thereof, be subject to any execution or any decree against such husband. Upon the death of such *feme covert*, such estate shall go to the husband for life, remainder to her child or children in equal shares; and should one or more child or children be dead at the time of her death, their child or children shall stand in the place of their parent, and receive the share their parent would have received had they been living, and so on to any other descendants. Should the husband be dead at the time of the death of such *feme covert*, then such estate shall go immediately as above directed it should go after the death of the husband. If there be no child or children, or grand children, or their descendants, of such *feme covert*, then such *feme covert* shall have a right to dispose of such estate by last will and testament, executed with such forms and solemnities as are required by law, as though she were a *feme sole* and of the age of 21 years; and in case of her failing to dispose thereof, the same shall descend as real estate owned by a *feme covert* heretofore descended before the passage of this act.

Sec. 6. *Be it further enacted*, That all acts or parts of acts, coming within the purview of this act, shall be and the same are hereby repealed.

Mr. R. L. Wickliffe then moved to lay said bill on the table for the present.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Nuttall and J. S. Brown, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bayse,	Conklin,	Munday,
Bowman,	Cornish,	Paxton,
Brien,	Ireland,	Skiles,
Brown, T. D.	Kennedy, J.	Thompson,
Carlisle,	Lykins,	White, J.
Chism,	Martin,	Wickliffe, R. L.-18
Chrisman, M. T.	Morin,	

Those who voted in the negative, were—

Mr. Speaker,	Flournoy,	Petree,
Messrs. Barbour,	Forman,	Prewitt,
Barnett,	Gaines,	Rouse,
Biggs,	Garnett,	Rumsey,
Botts,	Gholson,	Sanders,
Bramlette,	Gilliam,	Smith, B.
Brawner,	Harrison,	Smith, J. Speed
Browder,	Hays,	Smither,
Brown, J. S.	Holbrook,	Stone,
Buford,	Innes,	Taylor,
Bullock, E. I.	Jefferson,	Thomasson,
Bullock, W. F.	Johnson, R. M.	Triplett,
Busby,	Karrick,	Todd,
Carpenter,	Kennedy, W.	Vance,
Chambers,	Kinkead,	Vawter,
Chowning,	Kirtley,	Wakefield,
Chrisman, G. T.	Lewis,	Wand,
Clarke,	Marshall, W. C.	Weir,
Coombs,	Marshall, W. N.	Welch,
Conway,	McCann,	Whaley,
Cox,	McKee,	White, D.
Cummins,	Morgan,	Wickliffe, R.
Dixon,	Noe,	Wolfe,
Drake,	Nuttall,	Wortham,
Fible,	Owsley,	Young—76.
Fletcher,		

Mr. Buford then moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the affirmative.

The main question was then put—Shall the bill be engrossed and read a third time? and it was decided in the affirmative.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Mr. Clarke moved to amend said bill by adding thereto the following engrossed clause, by way of ryder, viz:

Be it further enacted, That when any *feme sole* shall be entitled to any such property as is specified in this act, in case of her marriage, the father, guardian, or other person, having the custody or control of any such property, shall be, and is hereby, required, within sixty days after her marriage, to cause a schedule of all such property to be made out, and have the same recorded in the office of the County Court in which the husband she marry resides: and in case any *feme covert* shall hereafter acquire any such property as is specified in this act, it shall be the duty of him, her or them of whom said property shall be received by the said *feme covert*, to cause a schedule of such property to be made out and recorded, within sixty days after the same shall be acquired, in the office of the Clerk of the County Court where the husband of such *feme covert* resides; and the Clerks who may render ser-

vices under the provisions of this act, shall receive such compensation therefor as he now receives for like services in other cases; which compensation shall be paid out of such property as may be coming to the *feme sole* or *feme covert*.

And the question being taken thereon, it was decided in the affirmative.

Mr. McKee then moved to amend said bill by adding thereto the following engrossed clause, by way of ryder, viz:

Provided, That nothing in this act contained shall exempt the estate of *feme covert* from any liability incurred, either by husband or wife, under the contract of either, for necessaries suitable to the dignity and condition of such *feme covert*, or family.

And the question being taken thereon, it was decided in the affirmative.

Mr. R. L. Wickliffe then moved further to amend said bill by adding thereto the following engrossed clause, by way of ryder, viz:

Be it further enacted, That hereafter the husband shall not be liable for the debts of the wife contracted prior to the marriage: *Provided*, The property the wife may be entitled to, or may own at the time of said marriage, be not sufficient to pay off and discharge the same.

And the question being taken thereon, it was decided in the affirmative.

Mr. R. Wicklife, Jr., then moved further to amend said bill by adding the following engrossed clause, by way of ryder, viz:

That hereafter, upon marriage, one half of all the estate of the husband, real, personal and mixed, shall vest in the wife, and shall be her separate estate; and shall not be subject to the debts, or capable of being devised, by the husband.

And the question being taken on the adoption of said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. E. I. Bullock and Weir, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barbour,	Chambers,	Johnson, R. M.
Bowman,	Conklin,	Munday,
Brawner,	Cornish,	Noe,
Brien,	Flournoy,	Paxton,
Brown, J. S.	Ireland,	Rumsey—17.
Buford,	Johnson, D. B.	

Those who voted in the negative, were—

Mr. Speaker,	Gaines,	Rouse,
Messrs. Barnett,	Garnett,	Sanders,
Basye,	Gholson,	Skiles,
Biggs,	Gilliam,	Smith, B.
Botts,	Graham,	Smith, J. Speed
Bramlette,	Harrison,	Smither,

Browder,
Brown, T. D.
Bullock, E. I.
Bullock, W. F.
Busby,
Carlisle,
Carpenter,
Chism,
Chowning,
Chrisman, G. T.
Chrisman, M. T.
Clarke,
Conway,
Cummins,
Dixon,
Drake,
Fible,
Fletcher,
Forman,
Hays,
Holbrook,
Innes,
Jefferson,
Karrick,
Kennedy, J.
Kinkead,
Kirtley,
Lewis,
Lykins,
Marshall, W. C.
Marshall, W. N.
McCann,
McKee,
Morin,
Nuttall,
Owsley,
Petree,
Prewitt,
Stone,
Swope,
Thomasson,
Thompson,
Triplett,
Todd,
Vance,
Vawter,
Wakefield,
Wand,
Weir,
Welch,
Whaley,
White, D.
White, J.
Wickliffe, R.
Wickliffe, R. L.
Young—74.

The question was then taken on the passage of said bill, as amended, and decided in the negative.

The yeas and nays being required thereon by Messrs. T. D. Brown and Conway, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Biggs,
Brown, J. S.
Bullock, E. I.
Bullock, W. F.
Chrisman, G. T.
Clarke,
Conway,
Cummins,
Dixon,
Drake,
Fible,
Fletcher,
Gaines,
Gilliam,
Hays,
Holbrook,
Johnson, R. M.
Kinkead,
Lewis,
Marshall, W. C.
McCann,
McKee,
Nuttall,
Owsley,
Sanders,
Smith, J. Speed
Smither,
Thomasson,
Triplett,
Wand,
Weir,
Welch,
Young—33.

Those who voted in the negative, were—

Mr. Speaker,
Messrs. Barbour,
Barnett,
Basye,
Botts,
Bowman,
Bramlette,
Brawner,
Brien,
Browder,
Brown, T. D.
Cornish,
Flournoy,
Forman,
Garnett,
Gholson,
Graham,
Harrison,
Innes,
Ireland,
Jefferson,
Johnson, D. B.
Paxton,
Petree,
Prewitt,
Rouse,
Rumsey,
Skiles,
Smith, B.
Stone,
Swope,
Thompson,
Todd,

Buford,	Karrick,	Vance,
Busby,	Kennedy, J.	Vawter,
Carlisle,	Kirtley,	Wakefield,
Carpenter,	Lykins,	Whaley,
Chambers,	Marshall, W. N.	White, D.
Chism,	Morin,	White, J.
Chowning,	Munday,	Wickliffe, R.
Chrisman, M. T.	Noe,	Wickliffe, R. L.-58
Conklin,		

And then the House adjourned.

SATURDAY, FEBRUARY 26, 1842.

A message was received from the Senate announcing their concurrence in the amendment proposed by this House to the amendment of the Senate to a bill from this House, entitled, an act to change the terms of certain Circuit Courts in the 17th judiclal district.

That they had concurred in the amendments proposed by this House to bills from the Senate, of the following titles, viz:

An act to amend the law which provides for condemning lands for public purposes.

An act to establish two additional election precincts in the county of Carter.

An act to require persons failing to list their taxable property with the Commissioner, to list the same with the Clerk of the County Court.

An act concerning the Maysville and Mt. Sterling turnpike road.

An act concerning runaway slaves.

That they had passed bills from this House of the following titles, viz:

An act for the benefit of the Jailers of certain counties.

An act to change the place of voting in the Forman's bottom election election precinct, in the county of Lewis.

An act for the benefit of Peter Dupauw.

That they had passed bills of the following titles, viz:

An act for the benefit of Pryor Sandford and wife, and for other purposes.

An act to provide for the payment of the debt already due to contractors on the public works, and for the prosecution of the system of Internal Improvement in the State of Kentucky.

And had received official information from the Governor that he had approved and signed enrolled bills which originated in the Senate, of the following titles, viz:

An act for the relief of the widow and heirs of Christopher A. Rudd, deceased.

An act to authorize the Clerk of the Woodford County Court to make out a general cross index to deeds and other papers of record in his office.

An act for the benefit of John F. Linton, infant heir of John H. Linton, deceased.

An act to incorporate the town of Pleasureville.

An act to amend an act, entitled, an act to incorporate the city of Covington, approved February 24, 1834.

An act allowing additional Justices of the Peace to the counties of Spencer and Warren.

An act to amend the law concerning changes of venue.

An act for the benefit of David A. Sayre.

An act to reduce the salary of the President of the Bank of the Commonwealth.

An act for the benefit of William Ward, of Carter county.

An act for the benefit of Thomas Prator, committee for Josiah Prator, an idiot.

An act authorizing additional Trustees to the Hopkins Seminary, situated in the town of Madisonville.

An act to amend the law concerning the probate of wills.

An act for the benefit of Milly Young and others.

Approved February 24, 1842.

Mr. Swope presented the memorial of J. T. & J. C. Ham, and Robert Williams, in relation to their contracts on Licking river—which was received, read, and referred to the committee on Internal Improvement.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had approved and signed enrolled bills and resolutions which originated in this House, of the following titles, viz:

An act for the benefit of John Hulme.

An act concerning the town Marshals of Harrodsburg and Danville, and for other purposes.

An act for the benefit of the Clerks of the Garrard and Hart County and Circuit Courts.

An act for the benefit of the Sheriff of Laurel county.

An act for the benefit of Benjamin Wickersham.

An act for the benefit of Nicholas L. Oliver, late Sheriff of Henry county.

And resolutions in relation to amendments of the constitution of the United States.

Approved February 25, 1842.

Mr. Triplett, from the committee on Enrollments, reported that the committee had examined sundry enrolled bills which originated in the Senate, of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of William Beatty.

An act for the divorce of Catharine Pepper, and to change her name.

An act for the benefit of Emily Jackson.

An act to amend the law which provides for condemning land for public purposes.

An act to establish two additional election precincts in the county of Carter, and for other purposes.

An act to require persons failing to list their taxable property with the Commissioner, to list the same with the Clerk of the County Court.

An act concerning the Maysville and Mt. Sterling turnpike road, and to authorize the Kenton County Court to convey certain lots of ground.

An act concerning runaway slaves.

An act enlarging the limits of the town of Bryantsville.

An act for the benefit of Dillard Hazlerigg and Almanzor Ward.

An act for the benefit of William R. M'Ferran.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Triplett inform the Senate thereof.

On motion of Mr. D. B. Johnson, leave was given to bring in a bill to allow an additional Justice of the Peace to Trimble county.

Ordered, That Messrs. D. B. Johnson, Nuttall and Botts prepare and bring in the same.

A message was received from the Governor by Mr. Harlan, Secretary of State, which is as follows, viz:

Gentlemen of the Senate
and House of Representatives:

By the request of the Governor of Tennessee, I herewith transmit copies of resolutions of the Legislature of that State, upon the subject of the American Tobacco interest.

R. P. LETCHER.

February 26, 1842.

COMMONWEALTH OF TENNESSEE.

Executive Department,
Nashville, February 15, 1842.

Sir:

I have the honor to transmit the enclosed preamble and resolutions, passed by the General Assembly of this State at its late session.

Very respectfully,
Your ob't serv't,
JAMES C. JONES.

Resolutions of instructions, and request to our Senators, when Senators shall be elected, and Representatives in Congress, on the subject of the American Tobacco interest.

WHEREAS, In the opinion of this General Assembly that wisdom and sound policy require that the peculiar interests of all the laboring classes of society, but more especially the Agricultural industry and enterprise of the country should be protected and encouraged to the utmost practicable extent, by proper and judicious legislation: *And whereas*, the State of Tennessee is, and must continue to be, from the very nature of her soil and climate, Agricultural in her leading pursuits, and can alone look with strong hopes and confidence of success to her Agricultural resources, for the principal elements of social compact, individual wealth, and permanent prosperity: *And whereas*, her enterprizing and industrious population is becoming extensively engaged in the culture of Tobacco as the leading and most valuable of all her Agricultural staples: *And whereas*, this product of American growth, on entering the ports of almost every power or country to which it is exported, is subjected to unreasonable and enormous duties and restrictions, amounting in many of those countries almost to prohibition—therefore,

1st. *Resolved by the General Assembly of the State of Tennessee*, That our Senators in Congress be instructed (when Senators shall be elected,) and our Representatives requested to use their utmost influence and exertions for the adoption of such measures as in their opinion will result in relief to this great Agricultural interest of a large portion of the American people, by the speedy removal of existing restraints or the reduction of present high duties on American Tobacco entering foreign ports, to a fair revenue standard.

2d. *Resolved*, That in the opinion of the General Assembly, wisdom indicates a resort to negotiation as the first and best means of accomplishing this great and important object.

3d. *Resolved*, That should resort to diplomatic intercourse fail to secure the desired relief, in that event the General Assembly hereby instructs our Senators, when Senators shall be elected, and request our Representatives in the Congress of the United States, to resort to a system of countervailing duties, to be imposed on the luxuries imported from those foreign countries to which American Tobacco is sent, and in which it is subjected to the onerous duties so justly complained of: *Provided*, by the word luxuries is not meant either sugar, coffee or tea.

4th. *Resolved*, That should a resort to the system of countervailing duties here recommended, become necessary to accomplish the object in view, then and in that case it is the sense of this General Assembly that the Congress ought to reduce the existing duty on articles of comfort and necessity, not the product or manufacture of the United States, so that the aggregate amount of revenue collected from imports shall not exceed the wants of the Federal Government, when economically administered.

5th. *Resolved*, That a copy of the foregoing preamble and resolutions be communicated by the Governor of this State to each of our Senators and Representatives in Congress, and also to the Governors of Virginia, Maryland, Kentucky, Ohio, Indiana, Illinois, and Missouri, with a request that they be laid before their respective Legislatures at the earliest opportunity,

and that said States be respectfully requested to co-operate with the State of Tennessee in the accomplishment of the object of the foregoing resolutions.

BURCHETT DOUGLASS,
Speaker of the House of Rep.
SAM. TURNEY,
Speaker of the Senate.

Ordered, That said message be referred to the committee on Agriculture and Manufactures.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee for Courts of Justice—A bill for the benefit of William P. C. Caldwell.

By same—A bill for the benefit of the widow and heirs of James Beazely, dec'd, and the infant children of Claiborn Chandler.

By same—A bill for the benefit of Eliza Wilson Newton.

By same—A bill for the benefit of L. B. Stoughton.

By the committee on Banks—A bill supplemental to an act granting certain powers to the Bank of Kentucky, approved February 22, 1842.

By the committee on Claims—A bill for the benefit of John McDonald.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Garnett, from the joint committee appointed to settle the accounts of the Green and Barren river Commissioners, made the following report.

[*For the Report—see Legislative Documents.*]

Ordered, That the Public Printer forthwith print 500 copies of said report and accompanying documents for the use of the members of this House.

Mr. Garnett, from the committee appointed to settle the accounts of the Green and Barren river Commissioners, reported a bill allowing compensation to the Green and Barren river Commissioners—which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Browder, from the committee on religion, reported a bill for the benefit of John Skillman—which was read the first time, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between John Skill-

man and Polly Skillman, be, and the same is forever dissolved, so far as relates to the said John Skillman; and he is hereby restored to all the rights and privileges of an unmarried man.

Ordered, That said bill be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Mr. Young moved an amendment to said bill.

Mr. W. F. Bullock moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the affirmative.

The main question was then put—Shall the bill be engrossed and read a third time? and it was decided in the affirmative.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Mr. Young moved to amend said bill by adding thereto an engrossed clause, by way of ryder.

Mr. W. F. Bullock then moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the affirmative.

The main question was then put—Shall the bill pass? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. W. C. Marshall and Munday, were as follows, viz:

Those who voted in the affirmative, were—

Messrs.	Barbour,	Fible,	Munday,
	Basye,	Fletcher,	Nuttall,
	Biggs,	Gaines,	Rouse,
	Botts,	Garnett,	Rumsey,
	Brown, J. S.	Gilliam,	Sanders,
	Brown, T. D.	Holbrook,	Stone,
	Buford,	Jefferson,	Taylor,
	Bullock, E. I.	Johnson, D. B.	Thomasson,
	Bullock, W. F.	Karrick,	Thompson,
	Busby,	Kirtley,	Vawter,
	Carlisle,	Lewis,	Wakefield,
	Chrisman, G. T.	Lykins,	Weir,
	Coombs,	Marshall, W. C.	Welch,
	Conklin,	McCann,	Whaley,
	Conway,	Martin,	Wolfe,
	Cox,	Morgan,	Wortham—50.
	Dixon,	Morin,	

Those who voted in the negative, were—

Mr. Speaker,	Flournoy,	Paxton,
Messrs. Barnett,	Gholson,	Petree,
Bowman,	Graham,	Prewitt,
Bramlette,	Harrison,	Skiles,
Brien,	Hays,	Smith, B.
Browder,	Innes,	Triplett,
Chism,	Ireland,	Todd,
Chowning,	Johnson, R. M.	White, D.
Chrisman, M. T.	Kennedy, J.	White, J.
Clarke,	Marshall, W. N.	Wickliffe, R.
Cornish,	McKee,	Wickliffe, R. L.
Cummins,	Owsley,	Young—37.
Drake,		

Resolved, That the title thereof be as aforesaid.

A message was received from the Senate announcing their disagreement to a bill from this House, entitled, an act for the benefit of John Blankenship.

That they had passed bills from this House of the following titles, viz:

An act for the divorce of Ann Creighton.

An act for the divorce of Mary O. Knight.

An act for the benefit of the citizens of Lawrence county, and for other purposes.

An act to establish a town at Ruddell's mills, and to limit the elections to one day in certain counties.

An act to change the dividing lines between the counties of Oldham and Trimble, and for other purposes.

An act for the divorce of Catharine Blair.

An act for the divorce of Matilda Wood and Margaret Long.

An act for the divorce of Adella Noel.

An act for the benefit of the widow and heirs of March Hinkle, deceased.

An act authorizing the County Court of Campbell to dispose of certain property.

An act extending the limits of the town of Florence, in Boone county.

An act to regulate the terms of the courts of the 9th judicial district, and for other purposes.

An act for the benefit of Martin Fugate, late Sheriff of Pendleton county.

An act to change the time of holding the Rockcastle Circuit Court.

An act for the benefit of the widow and heirs of James Beazely, dec'd, and the infant children of Claiborne Chandler.

An act for the benefit of Eliza Wilson Newton.

An act to amend the law concerning attachments.

With an amendment to the last named bill.

That they had passed bills of the following titles, viz:

An act to repeal, in part, the act, entitled, an act to vacate a part of the town of Westport, and for other purposes.

An act for the divorce of Susan Wright, and to restore her to her former name.

And had received official information from the Governor that he had approved and signed enrolled bills and a resolution which originated in the Senate, of the following titles, viz:

An act for the benefit of Jailey Watson and others.

An act adding Spencer county to the 13th judicial district, and to extend the terms of the Jefferson Circuit Court.

An act to give an additional term to the Hardin Circuit Court.

An act regulating tolls on turnpike roads in which the Commonwealth is a joint stockholder, and for other purposes.

An act to amend an act, entitled, an act to appoint patroles in the Commonwealth of Kentucky.

An act further to regulate and amend the laws regulating the town of Newport.

An act to incorporate the Sandy Iron Manufacturing Company.

Approved February 25, 1842.

A resolution in relation to the duties of the Public Printer.

Approved February 25, 1842.

A bill from the Senate, entitled, an act to provide for the payment of the debt already due to Contractors on the public works, and the further prosecution of the system of Internal Improvement in the State of Kentucky—was read the first time, as follows, viz:

WHEREAS, The State of Kentucky has been engaged in a general system of Internal Improvement, in the prosecution of which a considerable debt has already accrued to individuals executing the work: *And whereas*, The soundest dictates of discretion and economy, as well as the preservation of the public faith, demand that further appropriations be made to prosecute certain of said works to completion, and to advance others during the year 1842—wherefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That in addition to the unexpended balances appropriated by law, approved February 18, 1841, entitled, an act to amend the several acts providing for the Internal Improvement in the State of Kentucky, there is hereby appropriated the further sum of four hundred and twenty thousand dollars for the year 1842.

SEC. 2. *Be it further enacted*, That of the $420,000 herein appropriated, the following sums shall be applied to the payment of money due to contractors for work already done, as follows, to-wit: On the Owingsville and Big Sandy turnpike road, nine thousand dollars; on the Maysville and Bracken turnpike road, six thousand dollars; on the Maysville and Mt. Sterling

road, six thousand dollars; on the Georgetown and Williamstown road, thirty eight thousand eight hundred dollars; on the Williamstown and Covington road, fifteen thousand dollars; on the Richmond and Lexington road, three thousand three hundred and thirty seven dollars; on the Lexington, Harrodsburg and Perryville road, eleven thousand dollars; on the Bardstown and Glasgow road, twenty two thousand dollars; on the Glasgow and Scottsville road, ten thousand five hundred dollars; on the Louisville and Elizabethtown road, twenty six thousand dollars; on the Elizabethtown and Bell's tavern road, seventeen thousand dollars; on the Bell's tavern and Bowlinggreen road, nineteen thousand dollars; on the road from Bowlinggreen to the Tennessee line, five thousand two hundred dollars; and on the Logan, Todd and Christian road, fifty thousand dollars; and of the remainder of the $420,000, the sum of forty thousand dollars shall be expended on the Green and Barren river navigation; forty two thousand dollars on the Kentucky river navigation; sixty thousand dollars on the Licking river navigation, to complete the locks and abutments in said river, from No. 1 to No. 5, inclusive; and the balance of the $420,000, before mentioned, shall be expended in the completion of existing contracts on turnpike roads.

SEC. 3. *Be it further enacted*, That to provide the means necessary to meet the foregoing appropriations, the Governor of this Commonwealth be, and he is hereby authorized, to sell the bonds or scrip of the State, in the United States or elsewhere, to the aforesaid amount of four hundred and twenty thousand dollars, in sums not less than one thousand dollars, bearing an interest of six per cent. per annum, payable semi-annually, at any place within the United States, redeemable at any time after thirty years, and at not less than par value in Kentucky currency: *Provided, however*, That it shall not be lawful for the Governor to sell any amount of bonds or scrip, authorized to be sold by this act, beyond the resources of the Sinking Fund to meet the interest thereon.

SEC. 4. *Be it further enacted*, That should any Contractor, for work in this Commonwealth, by a writing under his hand executed to the Board of Internal Improvement, elect to accept as payment or part payment of his dues from this Commonwealth, any of the bonds or scrip of the State authorized to be issued by this act, it shall be the duty of the Governor to issue the same, and place said bond or bonds in the Treasury, and upon the requisition of the Board of Internal Improvement and the warrant of the Auditor, in favor of such Contractor, it shall be the duty of the Treasurer to pay out the same, which shall be received by said Contractor, and charged to said Board as so much money; and the same shall be considered as constituting a legal sale of said bond to said Contractor.

SEC. 5. *Be it further enacted*, That should the Governor fail to sell the bonds of the State, as directed in the foregoing section of this act, or should the Contractors refuse to receive them, then, at any time after the passage of this act, it shall be lawful for the Governor to issue said bonds, from time to time, and in such numbers as may be necessary to meet the expenditures on the public works, and deposit the same in such banks or branches of banks in this State, as he may elect for the purpose.

SEC. 6. *Be it further enacted*, That with the bank or banks where such deposits are made, it shall be lawful for the Governor to negotiate for the preparation and issue of checks, or certificates of deposit, of the denomi-

nation of from four to ten dollars, inclusive, and of the denominations of fifteen and twenty dollars: these checks shall be signed by the President and countersigned by the Cashier of said bank, and shall be drawn payable in bonds of the State of Kentucky, whenever the sum of one thousand dollars shall be presented, and shall bear interest at the rate of six per cent. per annum from the date of their issue; and shall be paid out at the counter of said bank, upon the check of the Treasurer, for the purposes heretofore recited in this act.

SEC. 7. *Be it further enacted*, That the bonds thus deposited, from time to time, shall be placed to the credit of the Treasurer, who, upon the requisition of the Board of Internal Improvement, and the warrant of the Auditor, shall give his check on such bank or branch bank to the amount thereof, to be paid in said certificates of deposit, and charge the same to the Internal Improvement fund.

SEC. 8. *Be it further enacted*, That the expense of preparing and issuing said checks or certificates of deposit, upon the presentation of the account, approved by the Governor, shall be paid out of the Treasury, and charged to the Internal Improvement fund.

SEC. 9. *Be it further enacted*, That if any person or persons shall alter, forge, or counterfeit, any of the checks or certificates of deposit authorized to be issued by this act, or shall erase or alter the same, or shall tender in payment, alter, vend, exchange, or barter any such forged or counterfeited check or certificate of deposit, or any such erased or altered check or certificate of deposit, knowing it to be such, or shall knowingly demand to have the same exchanged for State bonds with intention to defraud, he, she, or they, for the commission of any of said offences, shall be liable to indictment by a grand jury, and upon conviction thereof, shall undergo a confinement in the Jail and Penitentiary of this Commonwealth, for any period of not less than two years, nor more than ten years.

Ordered, That said bill be read a second time.

Mr. Swope then moved to dispense with the second reading of said bill.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Gaines and Conway, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Biggs,	Garnett,	Petree,
Botts,	Gholson,	Prewitt,
Bowman,	Gilliam,	Rouse,
Bramlette,	Graham,	Rumsey,
Browder,	Harrison,	Sanders,
Brown, T. D.	Hays,	Skiles,
Buford,	Holbrook,	Smith, B.
Bullock, W. F.	Innes,	Stone,
Busby,	Ireland,	Swope,
Carlisle,	Jefferson,	Taylor,
Carpenter,	Johnson, R. M.	Thomasson,
Chambers,	Karrick,	Thompson,
Chism,	Kennedy, J.	Triplett,

76

Chowning,	Kennedy, W.	Todd,
Chrisman, G. T.	Kinkead,	Vance,
Chrisman, M. T.	Kirtley,	Vawter,
Clarke,	Lewis,	Wakefield,
Conklin,	Marshall, W. C.	Wand,
Conway,	Marshall, W. N.	Weir,
Cornish,	McCann,	Welch,
Cox,	McKee,	Whaley,
Craddock,	Martin,	White, D.
Cummins,	Morin,	White, J.
Dixon,	Munday,	Wickliffe, R.
Drake,	Noe,	Wickliffe, R. L.
Fletcher,	Nuttall,	Wolfe,
Flournoy,	Owsley,	Wortham,
Forman,	Paxton,	Young—84.

Those who voted in the negative, were—

Messrs. Barbour,	Brien,	Johnson, D. B.
Barnett,	Bullock, E. I.	Lykins,
Brawner,	Gaines,	Morgan—9.

Mr. R. Wickliffe, Jr., then moved the following amendment to said bill, viz:

SEC. —. *Be it further enacted*, That the Lexington and Ohio Railroad, recently purchased by the State, shall be under the entire control and management of the Board of Internal Improvement, who shall continue to use the same, by transporting persons and freight thereon, and for that purpose may employ such officers, agents, and servants, as are necessary. The said Board shall forthwith cause the said road to be thoroughly repaired, and extended to the western terminus of Market street, in Frankfort, on the Kentucky river; they may sell and convey any real or personal property, acquired by the State with said road, upon such terms, as to time and price, as they may think best, and shall apply the proceeds of sales to the repair of the road, taking care not to sell any required for the use and purposes of the road.

SEC. —. *Be it further enacted*, That in order to insure the repair and extension of said road, the Governor be, and he is hereby, authorized and requested to cause to be issued, bonds of this State, in the usual form, of the denomination of one thousand dollars, bearing interest at the rate of six per cent. per annum, to an amount not exceeding one hundred thousand dollars, redeemable at the end of six years, to pay for said work, and to purchase materials, cars, &c. for said road: *And, provided, however*, That it shall be lawful for the Governor to deposit the said bonds in any Bank or branch Bank of the State, and authorize the issue of certificates of deposit by said Bank or branch Bank, to be signed by the President and countersigned by the Cashier thereof, of denominations which shall be deemed by the Governor most advisable, and not less than five dollars, bearing an interest of six per cent. per annum, from the date of issue, and said certificates shall express on their face that they are payable in the bonds of the State, and that they will be received at par in payment of transportation of freight and pas-

sengers on said Railroad; and the holders of such certificates, upon depositing one thousand dollars thereof in amount with such Bank, shall be entitled to receive in exchange therefor a bond for a similar amount, deposited as aforesaid; and said certificates of deposit shall be paid out to contractors, at their par value, for the repair of said road, upon the proper check of the Treasurer in favor of said contractor.

SEC. —. *Be it further enacted*, That the profits of said road, after defraying all expenses and the interest of the bonds herein authorized to be issued, shall be applied to the payment of said bonds.

SEC. —. *Be it further enacted*, That it shall be the duty of the Board of Internal Improvement, on the first day of January, 1843, and on the first day of January in each year thereafter, to have all the said bonds which may have come into the possession of the Board as profits on the road, to be canceled in the presence of the Governor and first and second Auditors; and the Board shall continue to cancel the said bonds, annually, as aforesaid, until the whole amount shall be canceled; and the Auditor shall report to the Legislature, then in session, the amount so canceled, being the profits of the road.

SEC. —. *Be it further enacted*, That after the redemption of the bonds, as aforesaid, the profits of the road, after defraying the expenses thereon, shall go into the Treasury and be applied to the support of the Sinking Fund.

SEC. —. *Be it further enacted*, That the Board of Internal Improvement shall fix, from time to time, the rates of transportation, but they shall, in no event, exceed those heretofore allowed by their charter to the Lexington and Ohio Railroad Company. The same penalties shall be incurred for injuries done to said road, or for riding on the embankments thereof, and recoverable in the same manner as are prescribed by the charter of the said Lexington and Ohio Railroad Company.

SEC. —. *Be it further enacted*, That the Board of Internal Improvement shall take from all the necessary officers and agents employed in the superintendence of said road, bonds, with approved security, payableto the Common wealth, conditioned for the faithful performance of the duties imposed upon them respectively, and shall have power, from time to time, to dismiss all such officers and agents whenever the public interests require it, and to make such rules and regulations, from time to time, as they may deem necessary for the government of the affairs of said company.

SEC. —. *Be it further enacted*, If the Board shall deem it to be the interest of the State to lease out the Portland division for a term of years, not exceeding three years at any one time, they are authorized and empowered to do so on the best terms and for the best price they can get.

Mr. Chambers then moved the following as a substitute for the amendment of Mr. R. Wickliffe, Jr., viz:

Be it further enacted, That the Governor be, and he is hereby, authorized to sell the Lexington and Ohio Railroad, and the property and appurtenances purchased by the State with said road, for the sum of three hundred thousand dollars in Kentucky State bonds, prefering the six year bonds of the Commonwealth now outstanding: *Provided*, Such sale can be effected before the 10th day of June next; but in case the said road be not sold on the terms and by the time above specified, the revenue arising from the

transportation of freight and passengers, and any sum that may be realized from the sale of such property, belonging to the road, as the Board of Internal Improvement, (having in contemplation the repair of said road at a future time,) shall deem it expedient to sell, is hereby appropriated, to be expended under the direction of the Board of Internal Improvement, in keeping said road in as good repair as possible, during the ensuing year.

And the question being taken on the adoption of said substitute, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Weir and Conway, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barnett,	Conway,	Morgan,
Botts,	Cox,	Munday,
Bowman,	Cummins,	Paxton,
Bramlette,	Flournoy,	Petree,
Brawner,	Garnett,	Prewitt,
Brien,	Gholson,	Rouse,
Browder,	Gilliam,	Smith, B.
Brown, J. S.	Graham,	Smither,
Brown, T. D.	Harrison,	Stone,
Buford,	Hays,	Taylor,
Bullock, E. I.	Jefferson,	Thompson,
Carlisle,	Johnson, D. B.	Wakefield,
Carpenter,	Karrick,	Wand,
Chambers,	Kennedy, W.	Weir,
Chism,	Kirtley,	Welch,
Chrisman, G. T.	Lykins,	Whaley,
Chrisman, M. T.	Marshall, W. C.	White, D.
Clarke,	Marshall, W. N.	White, J.
Coombs,	McKee,	Wortham,
Conklin,	Martin,	Young—60.

Those who voted in the negative, were—

Mr. Speaker,	Holbrook,	Sanders,
Messrs. Barbour,	Innes,	Skiles,
Bayse,	Ireland,	Smith, J. Speed
Biggs,	Johnson, R. M.	Swope,
Bullock, W. F.	Kennedy, J.	Thomasson,
Busby,	Kinkead,	Triplett,
Chowning,	Lewis,	Todd,
Cornish,	McCann,	Vance,
Craddock,	Morin,	Vawter,
Drake,	Noe,	Wickliffe, R.
Fible,	Nuttall,	Wickliffe, R. L.
Fletcher,	Owsley,	Wolfe—38.
Gaines,	Rumsey,	

The question was then taken on the adoption of the amendment, as amended, and decided in the affirmative.

Mr. J. Speed Smith then moved to postpone the further consideration of said bill until Monday next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Browder and J S. Brown, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Drake,	Rumsey,
Messrs. Barnett,	Fible,	Sanders,
Basye,	Garnett,	Skiles,
Botts,	Hays,	Smith, B.
Bramlette,	Holbrook,	Smith, J. Speed
Brawner,	Innes,	Smither,
Brown, J. S.	Ireland,	Stone,
Brown, T. D.	Johnson, D. B.	Swope,
Bullock, E. I.	Johnson, R. M.	Thomasson,
Busby,	Karrick,	Triplett,
Carlisle,	Kennedy, J.	Todd,
Chambers,	Kinkead,	Vawter,
Chism,	Kirtley,	Wakefield,
Chrisman, G. T.	Lykins,	Wand,
Coombs,	Marshall, W. N.	Welch,
Conklin,	McKee,	White, D.
Conway,	Martin,	Wickliffe, R.
Cornish,	Morin,	Wickliffe, R. L.56
Cummins,	Nuttall,	

Those who voted in the negative, were—

Messrs. Barbour,	Dixon,	Paxton
Biggs,	Fletcher,	Petree,
Bowman,	Flournoy,	Prewitt,
Brien,	Gholson,	Rouse,
Browder,	Gilliam,	Taylor,
Buford,	Graham,	Thompson,
Bullock, W. F.	Harrison,	Vance,
Carpenter,	Jefferson,	Weir,
Chowning,	Kennedy, W.	Whaley,
Chrisman, M. T.	Marshall, W. C.	White, J.
Clarke,	McCann,	Wolfe,
Cox,	Munday,	Wortham,
Craddock,	Owsley,	Young—39.

Mr. J. Speed Smith read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the resolution fixing the 28th day of February, 1842, as the day of

adjournment of the General Assembly, be, and the same is hereby, rescinded; and that when they adjourn on the ——— day of March next, they will adjourn *sine die.*

The rule of the House requiring joint resolutions to lie one day on the table having been dispensed with,

The blank in said resolution was filled with the "third."

Mr. W. C. Marshall then moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the affirmative.

The main question was then put—Shall the resolution, as amended, be adopted? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Buford and Noe, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Drake,	Nuttall,
Messrs. Basye,	Fible,	Owsley,
Biggs,	Garnett,	Rumsey,
Botts,	Gholson,	Sanders,
Bramlette,	Hays,	Skiles,
Brawner,	Holbrook,	Smith, B.
Brown, J. S.	Innes,	Smith, J. Speed
Bullock, E. I.	Ireland,	Smither,
Carlisle,	Johnson, D. B.	Stone,
Chambers,	Johnson, R. M.	Thomasson,
Chism,	Kennedy, J.	Triplett,
Chrisman, G. T.	Kinkead,	Vawter,
Clarke,	Kirtley,	Wakefield,
Conklin,	Lykins,	Wand,
Conway,	McKee,	Welch,
Cornish,	Martin,	White, D.
Cox,	Morin,	Wickliffe, R. L.52
Craddock,		

Those who voted in the negative, were—

Messrs. Barbour,	Fletcher,	Paxton,
Barnett,	Flournoy,	Petree,
Bowman,	Gilliam,	Prewitt,
Brien,	Graham,	Rouse,
Browder,	Harrison,	Taylor,
Brown, T. D.	Jefferson,	Thompson,
Buford,	Karrick,	Todd,
Bullock, W. F.	Kennedy, W.	Vance,
Busby,	Lewis,	Whaley,
Carpenter,	Marshall, W. C.	White, J.
Chowning,	Marshall, W. N.	Wickliffe, R.
Chrisman, M. T.	McCann,	Wolfe,

Coombs, Munday, Wortham,
Cummins, Noe, Young—43.
Dixon,

Mr. Craddock, from the committee on Claims, reported a bill for the appropriation of money—which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Ordered, That said bill be made the special order of the day for Monday next.

And then the House adjourned.

MONDAY, FEBRUARY 28, 1842.

A message was received from the Senate announcing their concurrence in the amendments proposed by this House to a bill from the Senate, entitled, an act to amend the several acts establishing common schools.

And their concurrence in a resolution from this House rescinding the resolution fixing a day for the final adjournment of the General Assembly.

Mr. Browder, from the committee on Religion, to whom was referred a bill from the Senate, entitled, an act to incorporate the Methodist Episcopal Church in the city of Covington—reported the same without amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

An engrossed bill, entitled, an act to re-establish the town of Portland—was read a third time.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The yeas and nays being required thereon by Messrs. Wolfe and Brien, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Cummins,	Owsley,
Messrs. Barbour,	Garnett,	Paxton,
Barnett,	Gholson,	Petree,
Biggs,	Harrison,	Rouse,
Bowman,	Holbrook,	Smith, B.
Bramlette,	Ireland,	Smith, J. Speed
Brien,	Jefferson,	Stone,
Brown, J. S.	Johnson, D. B.	Thomasson,
Busby,	Kennedy, J.	Todd,
Carlisle,	Lykins,	Vance,
Carpenter,	Marshall, W. C.	Vawter,
Chism,	Marshall, W. N.	Wand,
Chowning,	McKee,	Weir,
Chrisman, G. T.	Martin,	White, D.
Coombs,	Morgan,	White, J.
Conklin,	Morin,	Wickliffe, R.
Conway,	Munday,	Wortham,
Cornish,	Noe,	Young—54.

Those who voted in the negative, were—

Messrs. Browder,	Gilliam,	Skiles,
Brown, T. D.	Graham,	Smither,
Bullock, E. I.	Hays,	Swope,
Bullock, W. F.	Innes,	Triplett,
Chrisman, M. T.	Johnson, R. M.	Wakefield,
Cox,	Karrick,	Welch,
Craddock,	Kirtley,	Whaley,
Fletcher,	Nuttall,	Wickliffe, R. L.
Flournoy,	Prewitt,	Wolfe—29.
Forman,	Sanders,	

The bill for the benefit of the Northern Bank of Kentucky, was read a second time.

Ordered, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House again resumed the consideration of the bill from the Senate, entitled, an act more effectually to protect the right of right of suffrage.

Mr. J. Speed Smith then withdrew his amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

It was proposed to amend said bill by adding thereto an engrossed clause, by way of ryder.

Mr. Brien then moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the affirmative.

The main question was then put—Shall the bill pass? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Thompson and Rumsey, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barbour,	Fible,	Martin,
Barnett,	Fletcher,	Morgan,
Basye,	Flournoy,	Morin,
Botts,	Gaines,	Noe,
Bowman,	Garnett,	Nuttall,
Bramlette,	Gholson,	Owsley,
Brien,	Gilliam,	Paxton,
Browder,	Graham,	Petree,
Brown, T. D.	Harrison,	Prewitt,
Bullock, E. I.	Hays,	Rouse,
Bullock, W. F.	Holbrook,	Skiles,
Busby,	Innes,	Smith, B.
Carlisle,	Ireland,	Smith, J. Speed
Carpenter,	Jefferson,	Stone,
Chambers,	Johnson, D. B.	Thomasson,
Chism,	Johnson, R. M.	Todd,
Chowning,	Karrick,	Vance,
Chrisman, G. T.	Kennedy, J.	Vawter,
Chrisman, M. T.	Kinkead,	Weir,
Clarke,	Kirtley,	Welch,
Coombs,	Lykins,	White, D.
Conway,	Marshall, W. C.	Wickliffe, R.
Cornish,	Marshall, W. N.	Wolfe,
Cox,	McCann,	Wortham,
Craddock,	McKee,	Young—77.
Cummins,		

Those who voted in the negative, were—

Messrs. Brawner,	Rumsey,	Wakefield,
Conklin,	Sanders,	Wand,
Drake,	Smither,	Whaley,
Kennedy, W.	Swope,	White, J.
Munday,	Thompson,	Wickliffe, R. L.-15

Resolved, That the title thereof be as aforesaid.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had approved and signed, on this day, an enrolled bill which originated in this House, entitled, an act to reduce into one, and digest and amend the acts, and amendatory acts, incorporating the city of Lexington.

Mr. Triplett, from the committee on Enrollments, reported that the committee had examined sundry enrolled bills and a resolution which originated in the House of the following titles, and had found the same truly enrolled, viz:

An act to change the terms of certain Circuit Courts in the 17th judicial district.

An act for the divorce of Ann Creighton.

An act for the divorce of Mary O. Knight.

An act for the benefit of the citizens of Lawrence county, and for other purposes.

An act to incorporate the Mount Washington Academy.

An act to incorporate the Lagrange Library Association.

An act for the benefit of Peter Dupauw.

An act to establish a town at Ruddell's mills, and to limit the elections to one day in certain counties.

An act for the benefit of the Jailers of certain counties.

An act to change the dividing line between the counties of Oldham and Trimble, and for other purposes.

An act for the divorce of Catharine Blair.

An act for the divorce of Matilda Wood and Margaret Long.

An act for the divorce of Adella Noel.

An act for the benefit of the widow and heirs of March Hinkle, deceased.

An act authorizing the County Court of Campbell to dispose of certain property.

An act extending the limits of the town of Florence, in Boone county.

An act to regulate the terms of the courts of the 9th judicial district, and for other purposes.

An act for the benefit of Martin Fugate, late Sheriff of Pendleton county.

An act to change the time of holding the Rockcastle Circuit Court.

An act to change the place of voting in the Forman's bottom election precinct, in the county of Lewis.

An act for the benefit of the widow and heirs of James Beazely, dec'd, and the infant children of Claiborne Chandler.

An act for the benefit of Eliza Wilson Newton.

A resolution in relation to the removal of the steamboat New Argo.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Triplett inform the Senate thereof.

After a short time a message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had approved and signed said bills, and resolution.

Mr. Drake, from the select committee, reported a bill to amend an act fur-

ther to regulate the Shelby and Franklin turnpike road, and for other purposes—which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message was received from the Senate, announcing the passage of bills from this House of the following titles, viz:

An act to allow an additional Constable to the counties of Oldham and Nelson.

An act for the divorce and change of name of Amanda Skeeters.

With an amendment to the last named bill.

That they had passed bills of the following titles, viz:

An act further to define the crime of arson by a slave.

An act for the divorce of Jefferson A. Murray.

On motion of Mr. R. M. Johnson, leave of absence was granted to Mr. Harrison for the balance of the session.

Mr. Nuttall, from the committee for Courts of Justice, to whom was referred a bill to change the name of the Boone Academy, and for other purposes—reported the same without amendment.

Ordered, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A bill from the Senate, entitled, an act for the divorce of Jefferson A. Murray—was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with, it was referred to the committee on Religion.

Mr. R. Wickliffe, Jr., from the committee for Courts of Justice, to whom was referred a bill from the Senate, entitled, an act for the benefit of Polly Greenbee and her four youngest children—reported the same without amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Vance—A bill for the benefit of William B. Moore.

By Mr. R. L. Wickliffe—A bill for the benefit of S. Camron and others.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hays, from the committee for Courts of Justice, reported a bill repealing all laws providing for the appointment of Constables in Henry county, and for other purposes—which was read the first time, as follows, viz:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the first Monday in May next, there shall be but six Constables in Henry county.

Sec. 2. *Be it further enacted*, That on the said first Monday in May next the said County Court of Henry, a majority of all the Justices of the Peace of said county being present and concurring therein, shall proceed to elect some suitable person as Constable for each Battalion in said county of Henry, who shall reside in the Battalion at the time of the election, and whose duty it shall be to reside in the Battalion for which he is elected Constable, as aforesaid, during his continuance in office.

Sec. 3. *Be it further enacted*, That the four militia Battalions, be, and the same are hereby, established as Constables Districts for the county of Henry; and that if any Constable, who shall be appointed under the provisions of this act, shall remove without the boundaries of said Battalion, such removal shall, *ipso facto*, forfeit his said office of Constable; and the said County Court, a majority concurring therein, shall, thereupon, at their next session, proceed to elect a Constable for said district.

Sec. 4. *Be it further enacted*, That the town of New Castle, and the boundaries thereof, shall be, and the same is hereby, established as a Constable District; and the said County Court shall, at their said May term, under the same rules as is herein provided for the election of Constables for the other districts hereby established, elect two Constables for the said district, who shall reside, at the time of their election, in the town of New Castle; and that if the said Constables, or either of them, shall remove out of said district, they shall forfeit his or their office; and the said County Court, at their next session or term of their said court, shall proceed to elect a proper person, or persons, to fill his or their office.

Sec. 5. *Be it further enacted*, That any Constable or Constables who shall be in office on the said third day of May next, and before the election contemplated by this act, shall have one year's time to wind up all the old business that they, or either of them, may then have on hand, but that they shall not, from that time forward, take any new business as Constable without being duly appointed Constable or Constables under the provisions of this act; and his or their securities, in his or their bond or bonds to the Commonwealth, shall not be responsible upon his or their said bonds heretofore executed for any new business so taken, unless he or they shall be re-elected under the provisions of this act.

Sec. 6. *Be it further enacted*, That all laws that come within the purview

of this act, be, and the same are hereby, repealed so far as the county of Henry is concerned. This act shall take effect from and after the Saturday preceding the first Monday in May next.

Ordered, That said bill be read a second time.

The rule of the House, constitutional provision and second and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The yeas and nays being required thereon by Messrs. E. I. Bullock and W. F. Bullock, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,
Messrs. Basye,
Biggs,
Botts,
Bramlette,
Brien,
Browder,
Brown, J. S.
Bullock, W. F.
Busby,
Carlisle,
Carpenter,
Chism,
Chowning,
Chrisman, G. T.
Chrisman, M. T.
Clarke,
Conklin,
Conway,
Cornish,
Cox,
Craddock,
Cummins,
Drake,
Flournoy,
Gaines,
Garnett,
Graham,
Hays,
Innes,
Ireland,
Jefferson,
Johnson, D. B.
Johnson, R. M.
Karrick,
Kennedy, J.
Kennedy, W.
Kinkead,
Kirtley,
Lykins,
Marshall, W. C.
Marshall, W. N.
McCann,
McKee,
Martin,
Morgan,
Morin,
Noe,
Nuttall,
Rouse,
Sanders,
Skiles,
Smith, B.
Smith, J. Speed
Smither,
Stone,
Swope,
Thompson,
Triplett,
Todd,
Vawter,
Wakefield,
Wand,
Welch,
Whaley,
White, D.
Wickliffe, R.
Wolfe,
Wortham,
Young—70.

Those who voted in the negative, were—

Messrs. Barbour,
Barnett,
Bowman,
Bullock, E. I.
Coombs,
Fletcher,
Forman,
Gilliam,
Harrison,
Holbrook,
Lewis,
Munday,
Owsley,
Paxton,
Petree,
Prewitt,
Rumsey,
Thomasson,
Vance,
Weir,
White, J.
Wickliffe, R. L.-22

The House again resumed the consideration of the bill from the Senate, entitled, an act to provide for the payment of the debt already due to Contractors on the public works, and for the further prosecution of the system of Internal Improvement in the State of Kentucky.

Mr. Botts moved a re-consideration of the vote of Saturday last adopting the amendment of Mr. Chambers to said bill.

And the question being taken thereon, it was decided in the affirmative.

Mr. Chambers then withdrew his substitute for the amendment of Mr. R. Wickliffe, Jr.

Mr. R. Wickliffe, Jr., then withdrew his amendment.

Mr. Hays then moved the following amendment as a substitute for said bill, viz:

Whereas, The State of Kentucky has been engaged in a system of Internal Improvement, in the prosecution of which a considerable debt has already accrued to individuals executing the work: *And whereas*, It is deemed expedient, as well for the preservation of the public faith as of certain works not yet completed, that additional appropriations be made—wherefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That in addition to the unexpended balances appropriated by law, approved February 18, 1841, entitled, an act to amend the several acts providing for the Internal Improvement in the State, there is hereby appropriated the further sum of $320,000.

Sec. 2. *Be it further enacted*, That of this sum, $200,000 shall be applied to the payment of contractors for amounts already due them, or so much thereof as may be necessary to pay such amounts; $60,000 to the Green and Barren river navigation; and $60,000 to the Kentucky river navigation.

Sec. 3. That to provide the means necessary to meet the foregoing appropriations, the Governor of this Commonwealth be, and he is hereby, authorized to sell the bonds or scrip of the State, in the United States or elsewhere, to the aforesaid amount of $320,000, in sums of not less than one thousand dollars, bearing an interest of six per cent. per annum, payable semi-annually, at any place within the United States, redeemable at any time after thirty years, and at not less than par value in Kentucky currency: *Provided, however*, That it shall not be lawful for the Governor to sell any amount of bonds or scrip, authorized to be sold by this act, beyond the resources of the Sinking Fund to meet the interest thereon.

Sec. 3. *Be it further enacted*, That all the public works on the Licking river, and on the different turnpike roads in this Commonwealth, be, and the same are hereby, suspended.

Mr. McKee then moved to amend said substitute by striking out the second section, and inserting in lieu thereof the following, viz:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That in addition to the unexpended balances appropriated by law, approved February 18, 1841, entitled, an act to amend the several acts providing for the Internal Improvement of the State of Kentucky, there is

hereby appropriated the sum of two hundred thousand dollars, to be applied to the payment of contractors for amounts already due them.

SEC. 2. That to provide the means necessary to meet the foregoing appropriation, the Governor of this Commonwealth be, and he is hereby, authorised to sell the bonds or scrip of the Sttate, in the United States or elsewhere, to the aforesaid amount, in sums of not less than one hundred dollars, bearing an interest of six per cent. per annum, payable semi-annually at any place in the United States, redeemable at any time after thirty years, and at not less than par value in Kentucky currency.

SEC. 3. *Be it further enacted*, That if such contractor or contractors shall elect to take such bonds, thus to be issued, in discharge of what is due them, the Governor, upon a certificate of what is due them upon a settlement with the Board of Internal Improvement, shall deliver to him or them such bond or bonds to the amount due him or them, and certify the sum paid, to whom paid, and for what paid, to the Auditor of Public Accounts and the Treasurer.

SEC. 4. *Be it further enacted*, That if in the discharge of the duties thus imposed upon them, the said Board shall find that the sum has not thus been provided, sufficient to pay all and every cent of the debt now due and owing by the State of Kentucky to contractors for work already done on the works of Internal Improvement, they shall report their names, together with the amount due them, and the particular services for which it may be due them, to the next Legislature of this State, at as early a day as possible after its meeting.

SEC. 5. *Be it further enacted*, That the sum or sums, thus raised, shall be paid, as soon as may be, in the Treasury of the State; and for such sum or sums as may be due to any contractor for work or labor already done or performed on the works of Internal Improvement in this State, and which the Board of Internal Improvement shall find to be due to such contractor or contractors, the Auditor of Public Accounts, upon the certificate of said Board that such sum is due to such contractor or contractors, shall issue his warrant on the Treasurer, in his or their favor, and be paid by the Treasurer out of the money in the Treasury thus to be deposited, and out of no other fund.

SEC. 6. *Be it further enacted*, That should any contractor refuse to receive said bonds at par value [for the prosecntion of his contract and completion of his work,] then it shall be the duty of the Board of Internal Improvement to select one discreet person on the part of the Commonwealth, and the contractor or contractors to select one upon his, her or their part, who shall proceed to value said work, and assess all equitable damages which may be sustained by either party, taking into consideration all necessary work done for the advancement and completion of the work, in connection with the relative value of contract prices; and should said persons agree, their decision shall be a final and conclusive settlement between such contractor or contractors and the Commonwealth; and should said persons disagree, it shall be their duty to choose an umpire, who shall proceed, as is herein directed, to value and assess the damages aforesaid, whose decision shall be final and conclusive; and thereupon, the President of the Board shall draw his reqiusition for the amount due: *Provided*, The contractor or contractors receive said State bonds at par value.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. McKee and W. C. Marshall, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barbour,	Hays,	Paxton,
Barnett,	Johnson, D. B.	Petree,
Bowman,	Kirtley,	Smith, B.
Bramlette,	Lewis,	Smither,
Brien,	Lykins,	Thompson,
Bullock, E. I.	Marshall, W. N.	Wakefield,
Busby,	McKee,	Wand,
Chism,	Martin,	Welch,
Chrisman, M. T.	Morgan,	White, D.
Conway,	Munday,	White, J.
Cornish,	Noe,	Wolfe,
Drake,	Owsley,	Wortham—37.
Graham,		

Those who voted in the negative, were—

Mr. Speaker,	Flournoy,	Nuttall,
Messrs. Bayse,	Forman,	Prewitt,
Biggs,	Gaines,	Rouse,
Botts,	Garnett,	Rumsey,
Brawner,	Gholson,	Sanders,
Browder,	Gilliam,	Skiles,
Brown, J. S.	Harrison,	Smith, J. Speed
Brown, T. D.	Holbrook,	Stone,
Bullock, W. F.	Innes,	Swope,
Carlisle,	Ireland,	Thomasson,
Carpenter,	Jefferson,	Triplett,
Chambers,	Johnson, R. M.	Todd,
Chowning,	Karrick,	Vance,
Chrisman, G. T.	Kennedy, J.	Vawter,
Clarke,	Kennedy, W.	Weir,
Coombs,	Kinkead,	Whaley,
Cox,	Marshall, W. C.	Wickliffe, R.
Craddock,	McCann,	Wickliffe, R. L.
Cummins,	Morin,	Young—58.
Fletcher,		

The question was then taken on the adoption of the substitute proposed by Mr. Hays, and decided in the negative.

The yeas and nays being required thereon by Messrs. Harrison and Innes, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barbour,	Drake,	Rouse,
Bowman,	Gaines,	Rumsey,
Bramlette,	Gilliam,	Smith, B.

Brawner,	Graham,	Smither,
Brien,	Hays,	Thompson,
Browder,	Kennedy, W.	Triplett,
Brown, J. S.	Kinkead,	Wakefield,
Brown, T. D.	Kirtley,	Wand,
Busby,	McKee,	Weir,
Chism,	Martin,	Welch,
Chrisman, G. T.	Morgan,	White, J.
Chrisman, M. T.	Munday,	Wolfe,
Conklin,	Petree,	Wortham—40.
Cornish,	Prewitt,	

Those who voted in the negative, were—

Mr. Speaker,	Fletcher,	Morin,
Messrs. Barnett,	Flournoy,	Nuttall,
Basye,	Forman,	Owsley,
Biggs,	Garnett,	Paxton
Botts,	Gholson,	Sanders.
Bullock, E. I.	Harrison,	Skiles,
Bullock, W. F.	Holbrook,	Smith, J. Speed
Carlisle,	Innes,	Stone,
Carpenter,	Ireland,	Swope,
Chambers,	Jefferson,	Thomasson,
Chowning,	Johnson, D. B.	Todd,
Clarke,	Johnson, R. M.	Vance,
Coombs,	Karrick,	Vawter,
Conway,	Kennedy, J.	Whaley,
Cox,	Lewis,	White, D.
Craddock,	Marshall, W. C.	Wickliffe, R. L.
Cummins,	Marshall, W. N.	Young—52.
Fible,	McCann,	

Mr. Todd then moved to amend said bill by adding thereto the following, viz:

Be it further enacted, That the Lexington and Ohio Railroad, recently purchased by the State, shall be under the entire control and management of the Board of Internal Improvement, who shall continue to use the same, by transporting persons and freight thereon, and for that purpose may employ such officers, agents, and servants, as are necessary. The said Board shall forthwith cause the said road to be thoroughly repaired, and extended to the western terminus of Market street, in Frankfort, on the Kentucky river; they may sell and convey any real or personal property, acquired by the State with said road, upon such terms, as to time and price, as they may think best, and shall apply the proceeds of sale to the repair of the road, taking care not to sell any required for the use and purposes of the road.

That in order to insure the repair and extension of said road, the Governor be, and he is hereby, authorized and requested to cause to be issued, bonds of this State, in the usual form, of the denomination of one thousand dollars, bearing interest at the rate of six per cent. per annum, to an amount

not exceeding one hundred thousand dollars, redeemable at the end of six years, to pay for said work, and to purchase materials, cars, &c. for said road: *Provided, however*, That it shall be lawful for the Governor to deposit the said bonds in any Bank or branch Bank in the State, and authorize the issue of certificates of deposit by said Bank or branch Bank, to be signed by the President and countersigned by the Cashier thereof, of denominations which shall be deemed by the Governor most advisable, and not less than five dollars, bearing an interest of six per cent. per annum, from the date of issue, and said certificates shall express on their face that they are payable in the bonds of the State, and that they will be received at par in payment of transportation of freight and pasengers on said Railroad; and the holders of such certificates, upon depositng one thousand dollars thereof with such Bank, shall be entitled to receive in exchange therefor a bond for a similar amount, deposited as aforesaid; and said certificates of deposit shall be paid out to contractors, at their par value, for the repair of said road, upon the proper check of theTreasurer in favor of said contractor: *Provided, also*, that the Governor shall not be required to issue said bonds for the repair of said road, until he shall receive proposals for the lease thereof; and such of the real estate as may be deemed necessary to keep for the use thereof, at an annual rent of not less than twenty thousand dollars per annum, payable semi-annually, and for a period not less than seven years; and in the event of his receiving such proposal, and the lessee or lessees, entering into bond with good security, to be approved of by him; then and in that case, he is hereby authorized and required to lease the same upon the terms aforesaid, and shall issue the bonds authorized by this section, and the Board of Internal Improvement shall forthwith cause said road to be repaired.

That it shall be the duty of the Board of Internal Improvement, on the first day of January, eighteen hundred and forty three, and on the 1st day of January in each year thereafter, to have all the said bonds which may have come into the possession of the Board, as profits on the road, to be cancelled in the presence of the Governor, and first and second Auditors; and the Board shall continue to cancel the said bonds annually, as aforesaid, until the whole amount shall be cancelled; and the Auditor shall report to the Legislature then in session, the amount so cancelled, being the profits of the road.

That after the redemption of the bonds as aforesaid, the profits of the road shall go into the Treasury, and be applied to the support of the Sinking Fund.

That the Board of Internal Improvement shall fix, from time to time, the rates of transportation; but they shall, in no event, exceed those heretofore allowed by their charter, to the Lexington and Ohio Railroad Company; nor shall they reduce the same during the continuance of the lease. The same penalties shall be incurred for injuries done to said road, or for riding on the embankments thereof, and recoverable in the same manner as are prescribed by the charter of the said Lexington and Ohio Railroad Company.

That the Board of Internal Improvement shall take from all the necessary officers and agents employed in the superintendence of said road, bonds with approved security, payable to the Commonwealth, conditioned for the faithful performance of the duties imposed upon them respectively, and shall have power, from time to time, to dismiss all such officers and agents whenever the public interests require it, and to make such rules and regulations,

from time to time, as they may deem necessary for the government of the affairs of said Company.

That if the Board shall deem it to be the interest of the State to lease out the Portland division for a term of years, not exceeding three years at any one time, they are authorized and empowered to do so, on the best terms and for the best price they can get, and to appropriate the proceeds of said division of the road to the extension thereof, to the lower ferry landing in Portland.

Be it further enacted, That the further time of ten years is hereby given for the completion of said road from the town of Frankfort to the city of Louisville.

Be it further enacted, That the lessees shall be required to keep the Railroad in good repair, the natural decay and wear excepted, and at the expiration of the lease, the said lessees shall return all the said Railroad, cars, and other machinery, in good repair, or be responsible for all repairs that the State may have to make, in consequence of the condition that the cars and machinery may be in, on delivery of the same, at the expiration of said term.

Mr. Martin then moved to amend the amendment of Mr. Todd, by adding thereto the following, viz:

Be it further enacted, That the bonds, aforesaid, shall not be redeemed until the net proceeds arising from said road furnish a fund sufficient for that purpose.

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Martin and Lykins, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bowman,	Harrison,	Petree,
Brien,	Hays,	Sanders,
Bullock, E. I.	Johnson, D. B.	Swope,
Bullock, W. F.	Johnson, R. M.	Thompson,
Carpenter,	Kirtley,	Todd,
Chism,	Lewis,	Wakefield,
Chrisman, M. T.	Lykins,	Welch,
Clarke,	McKee,	White, D.
Cummins,	Martin,	White, J.
Fletcher,	Morgan,	Wolfe,
Gaines,	Noe,	Wortham,
Gholson,	Paxton,	Young—37.
Graham,		

Those who voted in the negative, were—

Mr. Speaker,	Craddock,	Nuttall,
Messrs. Barbour,	Drake,	Owsley,
Barnett,	Fible,	Prewitt,
Basye,	Flournoy,	Rouse,

Biggs,	Forman,	Rumsey,
Botts,	Garnett,	Skiles,
Bramlette,	Gilliam,	Smith, B.
Brawner,	Holbrook,	Smith, J. Speed
Browder,	Innes,	Smither,
Brown, J. S.	Ireland,	Stone,
Brown, T. D.	Jefferson,	Thomasson,
Busby,	Karrick,	Triplett,
Carlisle,	Kennedy, J.	Vance,
Chambers,	Kinkead,	Vawter,
Chowning,	Marshall, W. C.	Weir,
Chrisman, G. T.	Marshall, W. N.	Whaley,
Conklin,	McCann,	Wickliffe, R.
Conway,	Morin,	Wickliffe, R. L.56
Cox,	Munday,	

The question was then taken on the adoption of the amendment proposed by Mr. Todd, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. Weir and T. D. Brown, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Craddock,	Morin,
Messrs. Barbour,	Drake,	Munday,
Basye,	Fible,	Nuttall,
Biggs,	Fletcher,	Owsley,
Botts,	Flournoy,	Prewitt,
Bowman,	Forman,	Rouse,
Bramlette,	Garnett,	Rumsey,
Brawner,	Gholson,	Sanders,
Browder,	Gilliam,	Skiles,
Brown, J. S.	Hays,	Smith, B.
Bullock, E. I.	Holbrook,	Smith, J. Speed
Bullock, W. F.	Innes,	Smither,
Busby,	Ireland,	Swope,
Carlisle,	Jefferson,	Thomasson,
Carpenter,	Johnson, R. M.	Triplett,
Chambers,	Karrick,	Todd,
Chism,	Kennedy, J.	Vance,
Chowning,	Kinkead,	Vawter,
Chrisman, G. T.	Kirtley,	Whaley,
Chrisman, M. T.	Lewis,	White, D.
Coombs,	Marshall, W. C.	Wickliffe, R.
Conway,	McCann,	Wickliffe, R. L.-68
Cox,	McKee,	

Those who voted in the negative, were—

Messrs. Barnett,	Johnson, D. B.	Stone,
Brien,	Kennedy, W.	Thompson,
Brown, T. D.	Lykins,	Wakefield,

Clarke,	Marshall, W. N.	Wand,
Conklin,	Martin,	Weir,
Cornish,	Morgan,	Welch,
Cummins,	Noe,	White, J.
Gaines,	Paxton,	Wortham,
Graham,	Petree,	Young—28.
Harrison,		

The said bill was then further amended on the motion of Mr. Clarke.

And then the House adjourned.

TUESDAY, MARCH 1, 1842.

A message was received from the Senate announcing the passage of a bill from this House, entitled, an act to appropriate the sales of the public lands to the payment of the State's debt for Internal Improvement, with an amendment.

And had received official information from the Governor that he had approved and signed enrolled bills which originated in the Senate, of the following titles, viz:

An act concerning runaway slaves.

An act to establish two additional election precincts in the county of Carter, and for other purposes.

An act for the divorce of Catharine Pepper, and to change her name.

An act for the benefit of Emily Jackson.

An act for the benefit of William R. M'Ferran.

An act for the benefit of William Beatty.

An act to require persons failing to list their taxable property with the Commissioner, to list the same with the Clerk of the County Court.

An act concerning the Maysville and Mt. Sterling turnpike road, and to authorize the Kenton County Court to convey certain lots of ground.

An act for the benefit of Dillard Hazlerigg and Almanzor Ward.

An act enlarging the limits of the town of Bryantsville.

An act to amend the law which provides for condemning land for public purposes. Approved February 26, 1842.

An engrossed bill, entitled, an act to establish the county of Letcher, was read a third time, as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the first day of April next, all the parts of Perry and Harlan counties, within the following boundary, viz: beginning on the top of the Pine Mountain, opposite Samuel Cornett's, and then with the top of the Dividing Ridge, between the Line Fork and the North Fork of the Kentucky river, and down said river; and then crossing said North fork, at the lower end of John Dixon's plantation; and thence a straight line to the mouth of Irishman, on Caney Fork; and thence a straight line to the mouth of Ogden; and thence, a straight line, to the head of Jones' Fork, at the Floyd county line, where the road crosses leading from Perry Court House to Prestonsburg; and thence, with the Floyd line, to the Pike county line; and thence, with the Pike county line, to the Virginia State line; and thence, with the Virginia State line, to the Sulphur Springs; and thence a straight line, crossing the Poor Fork of Cumberland river, at the lower end of John Jenkins' old plantation; and thence, a straight line, to the beginning, shall be, and the same is hereby, erected into one distinct and separate county, to be called and known by the name of Letcher.

SEC. 2. *Be it further enacted*, That the county of Letcher shall be entitled to seven Justices of the Peace, who, after having been commissioned, shall, on the first Monday of April next, (i. e.) 1842, meet at the house of Moses Adams, in Letcher county, and after having taken the necessary oaths of office and qualifying their Sheriff, they shall proceed to appoint a Clerk *pro tem.*, to whose permanent appointment, however, a majority of all the Justices of the Peace in commission for said county shall concur, but if such majority cannot be had in favor of any one, then the County Court may appoint any one Clerk *pro tem.* until such majority can be had in an appointment.

SEC. 3. That the County and Circuit Courts of Perry and Harlan, and the Justices of the Peace thereof, shall have jurisdiction in law and equity, in all cases, until this act takes effect, in the respective parts of said counties, in which such cases may arise; and it shall be lawful for the Sheriffs, Constables, and Collectors, in said counties, to collect all moneys, execute all porcess, as the law directs, which may be in their hands at the time this act takes effect, and they shall be accountable for the same, according to law.

SEC. 4. That Randolph Adams, of the county of Knox, Isaac Mize, of the county of Estill, and Evan Chesnutt, of the county of Laurel be, and they are hereby, appointed Commissioners, who, or a majority of whom, are hereby authorized and directed to make a selection and purchase of suitable lots, or parcel of land, in said county, for the location and erection of the public buildings, for the seat of justice, and shall locate the seat of justice at such place, and shall report their purchase and the price and terms thereof to the County Court of Letcher county, at its next session after such purchase and location. And it shall be the duty of said County Court to make provision for the payment of the purchase money, to be paid according to the terms of the purchase. And the said County Court shall, as soon as may be, after the purchase of such lots or parcels of land reported to them, proceed to cause a suitable Court House, Jail, and such other public buildings as they deem necessary or proper, to be erected thereon; and until such public buildings are erected, it shall be the duty of the County Court, at the expense of the county of Letcher, to select and procure some suitable house, in said

county, in which the County and Circuit Courts for said county may hold their sessions, until the completion of the Court House.

SEC. 5. That the County Court of Letcher shall appoint Commissioners of tax for the year eighteen hundred and forty three, who shall be governed by the laws which may be in force on that subject.

SEC. 6. That the county of Letcher shall be entitled to no more than four Constables; and the County Court of Letcher county shall lay off the said county into four Constable's districts, and in the appointment of Constables, and all other officers, shall be governed by the general laws of this Commonwealth, in force on these subjects.

SEC. 7. That the Surveyors of Knox and Clay counties shall be, and they are hereby, appointed Commissioners, with such assistants as they may deem necessary to employ, to run and mark the boundaries of said county, who shall be allowed two dollars per day for their services whilst engaged in the same, and the assistants shall be allowed one dollar per day for their services, payable out of the county levy of said county; and the Commissioners to locate the seat of justice, shall be allowed four dollars per day for their services, payable in like manner.

SEC. 8. That the County Court of Letcher county, in making their county levy, shall provide for the payment of the Commissioners' claims aforesaid.

SEC. 9. That the qualified voters of said county, in all elections for Senators and Representatives in the Legislature of Kentucky, for Members of Congress, and all other officers, shall vote in the same manner and at same places in said county they now do, and also at the seat of justice in said county, when the same shall be established; and the voters of said county shall vote in said elections for Senators and Representatives, with the counties of Perry and Harlan, in the respective parts thereof, as they did before the passage of this act, and the Sheriff of the county of Letcher shall compare the polls in said elections as now prescribed by law.

SEC. 10. That for the year 1842, the Sheriffs of Perry and Harlan counties shall collect the revenue and county levy in said county of Letcher, as though this act never passed.

SEC. 11. That the county of Letcher be, and the same is hereby, attached to the fifteenth judicial district.

And the question being taken on the passage of said bill, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hays and D. B. Johnson, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Fletcher,	Owsley,
Messrs. Barbour,	Forman,	Paxton,
Barnett,	Gaines,	Prewitt,
Basye,	Garnett,	Rouse,
Biggs,	Gholson,	Rumsey,
Botts,	Graham,	Sanders,
Bowman,	Holbrook,	Skiles,
Brawner,	Innes,	Smith, B.

Brien,	Ireland,	Smith, J. Speed
Brown, J. S.	Jefferson,	Smither,
Brown, T. D.	Johnson, D. B.	Stone,
Bullock, E. I.	Johnson, R. M.	Swope,
Bullock, W. F.	Karrick,	Thomasson,
Busby,	Kinkead,	Thompson,
Carpenter,	Kirtley,	Triplett,
Chambers,	Lewis,	Todd,
Chowning,	Lykins,	Vawter,
Chrisman, G. T.	Marshall, W. C.	Wakefield,
Chrisman, M. T	Marshall, W. N.	Wand,
Clarke,	McCann,	Whaley,
Coombs,	McKee,	White, D.
Conway,	Martin,	White, J.
Cornish,	Morin,	Wortham,
Cummins,	Munday,	Young—74.
Fible,	Noe,	

Those who voted in the negative, were—

Messrs. Bramlette,	Hays,	Vance,
Browder,	Kennedy, J.	Weir,
Chism,	Kennedy, W.	Welch,
Cox,	Morgan,	Wickliffe, R.
Drake,	Petree,	Wickliffe, R. L.-16
Flournoy,		

Resolved, That the title thereof be as aforesaid.

Mr. E. I. Bullock, from the committee for Courts of Justice, to whom was referred a bill from the Senate, entitled, an act to regulate the town of Cadiz—reported the same without amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Triplett, from the committee on Enrollments, reported that the committee had examined sundry enrolled bills which originated in the Senate, of the following titles, and had found the same truly enrolled, viz:

An act more effectually to protect the right of suffrage.

An act to amend the several acts establishing common schools.

An act for the benefit of Polly Greenbee, and her four youngest children.

An act to incorporate the Methodist Episcopal Church in the city of Covington.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Triplett inform the Senate thereof.

The House again resumed the consideration of the bill from the Senate, entitled an act to provide for the payment of the debt already due to contractors on the public works, and for the further prosecution of the system of Internal Improvement in the State of Kentucky.

Mr. Gaines moved to amend said bill by adding thereto the following, viz:

Be it further enacted, That the Governor of this Commonwealth be, and he is hereby, authorized to sell, or cause to be sold, a sufficient amount of the bonds authorized to be sold by this act, for the best price than can be obtained, to pay all debts now due to contractors of this Commonwealth for work done: *Provided*, Such contract or contracts were not made for State bonds, and where the estimates now due were not made with a view of being paid in State bonds.

Be it further enacted, That so much of an act, entitled, an act further to provide for the Internal Improvement of the State, approved February 22, 1839, authorizing the Board of Internal Improvement to put three additional locks and dams upon Licking, two upon Green, and three upon Kentucky rivers, be, and the same is hereby, repealed: *And provided further*, That if the Board of Internal Improvement has caused the locks and dams, authorized by the act before referred to, or any part thereof, to be put under contract, the said contracts are hereby rescinded.

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Gaines and D. B. Johnson, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bowman,	Johnson, D. B.	Munday,
Coombs,	Kennedy, W.	Petree,
Cornish,	Lykins,	Wakefield,
Drake,	Marshall, W. N.	Wand,
Fletcher,	McKee,	Weir,
Gaines,	Martin,	Welch,
Graham,	Morgan,	White, J.—22.
Hays,		

Those who voted in the negative, were—

Mr. Speaker,	Conklin,	Owsley,
Messrs. Barbour,	Conway,	Paxton,
Barnett,	Cox,	Prewitt,
Basye,	Craddock,	Rouse,
Biggs,	Cummins,	Rumsey,
Botts,	Fible,	Sanders,
Bramlette,	Flournoy,	Skiles,
Brawner,	Forman,	Smith, B.
Brien,	Garnett,	Smith, J. Speed
Browder,	Gholson,	Smither,
Brown, J. S.	Holbrook,	Stone,
Brown, T. D.	Innes,	Swope,

Bullock, E. I.	Ireland,	Thomasson,
Bullock, W. F.	Jefferson,	Todd,
Busby,	Johnson, R. M.	Vance,
Carlisle,	Karrick,	Vawter,
Carpenter,	Kennedy, J.	Whaley,
Chambers,	Kirtley,	White, D.
Chism,	Lewis,	Wickliffe, R.
Chowning,	Marshall, W. C.	Wickliffe, R. L.
Chrisman, G. T.	McCann,	Wolfe,
Chrisman, M. T.	Morin,	Wortham,
Clarke,	Nuttall,	Young—69.

Mr. Garnett then moved to amend said bill by adding thereto the following, viz:

Be it further enacted, That the sum of twenty thousand dollars, which was appropriated for the Glasgow and Scottsville turnpike road, on the 16th day of February, 1838, be paid over to the Glasgow and Scottsville turnpike road company, to pay for work already done on said road on the faith of said appropriation; and that said sum be paid out of bonds of the State, to be issued for that purpose, according to the provisions and principles of this act.

And the question being taken on the adoption thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Craddock and Rumsey, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Drake,	Petree,
Messrs. Bayse,	Fible,	Prewitt,
Botts,	Flournoy,	Rumsey,
Bowman,	Garnett,	Sanders,
Bramlette,	Gholson,	Skiles,
Brawner,	Gilliam,	Smith, B.
Browder,	Holbrook,	Smith, J. Speed
Brown, J. S.	Innes,	Smither,
Bullock, E. I.	Ireland,	Stone,
Bullock, W. F.	Johnson, D. B.	Swope,
Busby,	Johnson, R. M.	Thomasson,
Carlisle,	Karrick,	Todd,
Carpenter,	Kennedy, J.	Vance,
Chambers,	Kirtley,	Vawter,
Chism,	Lewis,	Wand,
Chowning,	Marshall, W. N.	Weir,
Chrisman, G. T.	McKee,	Welch,
Chrisman, M. T.	Morin,	White, D.
Cornish,	Nuttall,	Wickliffe, R.
Cox,	Owsley,	Wickliffe, R. L.
Craddock,	Paxton,	Wolfe—64.
Cummins,		

Those who voted in the negative, were—

Messrs. Barnett,	Hays,	Rouse,
Brien,	Jefferson,	Thompson,
Brown, T. D.	Lykins,	Triplett,
Clarke,	McCann,	Wakefield,
Conway,	Martin,	Whaley,
Fletcher,	Morgan,	White, J.
Forman,	Munday,	Wortham,
Gaines,	Noe,	Young—25.
Graham,		

Mr. Craddock then moved to amend said bill by adding thereto the following, viz:

Be it further enacted, That the further sum of twenty thousand dollars be, and the same is hereby, appropriated to the turnpike road leading from Louisville to the Tennessee State line, by way of the mouth of Salt river, Elizabethtown, Munfordsville, &c., to the State line, in a direction to Nashville, Tennessee; which sum is to be divided between the several boards on the said road, in the proportion to the extent of road under their respective jurisdictions; which sum of money is hereby appropriated to said road, independent of individual stock.

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Craddock and Brien, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Brown, T. D.	Innes,	Smither,
Bullock, W. F.	Kirtley,	Swope,
Clarke,	Marshall, W. C.	Thomasson,
Conway,	McKee,	Vance,
Craddock,	Morgan,	Vawter,
Cummins,	Owsley,	Welch,
Drake,	Skiles,	Wolfe—23.
Garnett,	Smith, B.	

Those who voted in the negative, were—

Mr. Speaker,	Cox,	Noe,
Messrs. Barbour,	Fletcher,	Nuttall,
Barnett,	Flournoy,	Paxton,
Basye,	Forman,	Petree,
Biggs,	Gaines,	Prewitt,
Botts,	Gholson,	Rouse,
Bramlette,	Graham,	Rumsey,
Brawner,	Hays,	Sanders,
Brien,	Holbrook,	Stone,
Browder,	Ireland,	Thompson,
Brown, J. S.	Jefferson,	Triplett,
Bullock, E. I.	Johnson, D. B.	Todd,

Busby,	Johnson, R. M.	Wakefield,
Carlisle,	Karrick,	Wand,
Carpenter,	Kennedy, J.	Weir,
Chambers,	Lykins,	Whaley,
Chism,	Marshall, W. N.	White, D.
Chowning,	McCann,	White, J.
Chrisman, G. T.	Martin,	Wickliffe, R.
Conklin,	Morin,	Wickliffe, R. L.
Cornish,	Munday,	Wortham—63.

Mr. Kinkead then moved the following amendment to said bill, viz:

Be it further enacted, That whatever sale or sales, lease or leases, that may be made of property upon the Lexington and Ohio Railroad, shall not extend to, and embrace, the real estate in the town of Midway and its vicinity, not necessary for the purposes of the Railroad, and which has been derived to the owners thereof by purchase from the Lexington and Ohio Railroad Company.

And the question being taken on the adoption thereof, it was decided in the negative.

Mr. Vance then moved a re-consideration of the vote rejecting the amendment of Mr. Kinkead.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Gaines and Hays, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Cox,	Nuttall,
Messrs. Barbour,	Cummins,	Owsley,
Basye,	Drake,	Prewitt,
Biggs,	Fible,	Rouse,
Botts,	Fletcher,	Sanders,
Bramlette,	Flournoy,	Skiles,
Brawner,	Garnett,	Smith, B.
Browder,	Gholson,	Smith, J. Speed
Brown, J. S.	Gilliam,	Thomasson,
Brown, T. D.	Holbrook,	Todd,
Bullock, W. F.	Innes,	Vance,
Busby,	Jefferson,	Vawter,
Carlisle,	Johnson, R. M.	Wakefield,
Carpenter,	Karrick,	Weir,
Chambers,	Kennedy, J.	Whaley,
Chowning,	Kinkead,	White, D.
Chrisman, G. T.	Lewis,	Wickliffe, R.
Coombs,	McCann,	Wickliffe, R. L.
Conklin,	McKee,	Wolfe,
Conway,	Morin,	Young—60.

Those who voted in the negative, were—

Messrs. Barnett, Bowman, Brien, Bullock, E. I. Chism, Chrisman, M. T. Clarke, Cornish, Craddock, Forman, Gaines, Graham, Hays, Ireland, Johnson, D. B. Kennedy, W. Kirtley, Lykins, Marshall, W. N. Martin, Munday, Noe, Paxton, Petree, Smither, Stone, Swope, Thompson, Triplett, Wand, Welch, White, J. Wortham—33.

The question was then taken on the adoption of the amendment proposed by Mr. Kinkead, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. Gaines and Owsley, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker, Messrs. Barbour, Basye, Biggs, Botts, Bowman, Bramlette, Brawner, Browder, Brown, J. S. Brown, T. D. Bullock, E. I. Bullock, W. F. Busby, Carlisle, Carpenter, Chambers, Chowning, Chrisman, M. T. Coombs, Conklin, Conway, Cox, Cummins, Drake, Fible, Fletcher, Flournoy, Forman, Garnett, Gholson, Gilliam, Holbrook, Innes, Jefferson, Johnson, R. M. Karrick, Kennedy, J. Kinkead, Lewis, McCann, McKee, Morin, Nuttall, Owsley, Prewitt, Rouse, Rumsey, Sanders, Skiles, Smith, B. Smith, J. Speed Smither, Thomasson, Todd, Vance, Vawter, Weir, Whaley, White, D. Wickliffe, R. Wickliffe, R. L. Young—63.

Those who voted in the negative, were—

Messrs. Barnett, Brien, Chism, Clarke, Cornish, Craddock, Johnson, D. B. Kennedy, W. Kirtley, Lykins, Marshall, W. N. Martin, Stone, Swope, Thompson, Triplett, Wakefield, Wand,

Gaines,	Munday,	Welch,
Graham,	Noe,	White, J.
Hays,	Paxton	Wolfe,
Ireland,	Petree,	Wortham—30.

Mr. D. White then moved to amend said bill by adding thereto the following, viz:

Be it further enacted, That the remaining unexpended balance of a six thousand dollar appropriation, approved February 16, 1838, for the improvement of Goose creek, be, and the same is hereby, directed to be expended for the purposes therein mentioned, and the Board of Internal Improvement is hereby directed to expend said sum during the present year; and that said sum be taken from the four thousand dollars appropriated for the improvement of downward navigation, approved February 18, 1841.

Be it further enacted, That said sum of four thousand dollars be deposited in bank, and issued in certificates, in the same manner and amounts, directed in the sixth section of this bill.

Mr. Holbrook then moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the affirmative.

The main question was then put—Shall the bill, as amended, be read a third time? and it was decided in the negative; and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Noe and Skiles, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Forman,	Owsley,
Messrs. Basye,	Garnett,	Prewitt,
Biggs,	Gholson,	Rumsey,
Botts,	Gilliam,	Sanders,
Brawner,	Holbrook,	Skiles,
Brown, J. S.	Innes,	Smith, J. Speed
Bullock, W. F.	Ireland,	Swope,
Carlisle,	Jefferson,	Thomasson,
Carpenter,	Karrick,	Triplett,
Chambers,	Kennedy, J.	Todd,
Chowning,	Kinkead,	Vance,
Chrisman, G. T.	Kirtley,	Vawter,
Coombs,	Marshall, W. C.	Whaley,
Cox,	McCann,	Wickliffe, R.
Fible,	Morin,	Wickliffe, R. L.-47
Flournoy,	Nuttall,	

Those who voted in the negative, were—

Messrs. Barbour,	Cummins,	Petree,
Barnett,	Drake,	Rouse,
Bowman,	Fletcher,	Smith, B.

Coombs, Noe, Wolfe,
Cox, Petree. Wortham—64.
Craddock,

Those who voted in the negative, were—

Mr. Speaker, Gaines, Martin,
Messrs. Barnett, Holbrook, Nuttall,
Biggs, Ireland, Owsley,
Brown, T. D. Jefferson, Paxton,
Clarke, Johnson, R. M. Rouse,
Conklin, Lewis, Sanders,
Cornish, Lykins, Wickliffe, R. L.
Drake, McKee, Young—25.
Fletcher,

The House then resolved itself into a committee of the whole, on the State of the Commonwealth—Mr. Todd in the chair, on the bill for the appropriation of money; and after some time spent therein, the Speaker resumed the chair, when Mr. Todd reported that the committee had, according to order, had under consideration the bill aforesaid, and had adopted sundry amendments thereto, which he handed in at the Clerk's table.

The first amendment of the committee of the whole, was to strike out $12,000 to the Lunatic Asylum and insert $16,000.

And the question being taken on concurring in said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. R. L. Wickliffe and W. F. Bullock, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker, Fletcher, Rumsey,
Messrs. Barbour, Forman, Sanders,
Basye, Hays, Skiles,
Biggs, Holbrook, Smither,
Botts, Johnson, R. M. Thomasson,
Bramlette, Karrick, Triplett,
Bullock, E. I. Kennedy, J. Todd,
Bullock, W. F. Kinkead, Vance,
Chambers, Kirtley, Vawter,
Chrisman, G. T. Lewis, Wakefield,
Conklin, Marshall, W. C. Weir,
Cox, McCann, Wickliffe, R.
Craddock, McKee, Wolfe—41.
Drake, Owsley,

Those who voted in the negative, were—

Messrs. Barnett, Gholson, Petree,
Brien, Graham, Prewitt,
Browder, Innes, Rouse,

Busby,	Ireland,	Smith, B.
Carlisle,	Jefferson,	Stone,
Carpenter,	Johnson, D. B.	Thompson,
Chism,	Lykins,	Welch,
Chowning,	Marshall, W. N.	Whaley,
Chrisman, M. T	Martin,	White, J.
Clarke,	Morin,	Wickliffe, R. L.
Cornish,	Munday,	Young—35.
Cummins,	Paxton,	

The 2d, 3d and 4th amendments proposed by the committee of the whole to said bill, were then concurred in.

The 5th amendment proposed by the committee of the whole to said bill reads as follows, viz:

That the First Auditor of Public Accounts shall be authorized to employ a Clerk at $35 per month, with the approbation of the Governor.

And the question being taken on concurring in said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Conklin and Graham, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Flournoy,	Owsley,
Messrs. Barnett,	Gaines,	Paxton,
Basye,	Gholson,	Skiles,
Biggs,	Innes,	Swope,
Botts,	Jefferson,	Thomasson,
Brawner,	Johnson, R. M.	Todd,
Chambers,	Lykins,	Vawter,
Chowning,	Marshall, W. C.	Wickliffe, R.
Clarke,	Marshall, W. N.	Wickliffe, R. L.
Cornish,	Martin,	Wortham,
Fletcher,	Noe,	Young—33.

Those who voted in the negative, were—

Messrs. Barbour,	Cummins,	Prewitt,
Bowman,	Drake,	Rouse,
Bramlette,	Forman,	Rumsey,
Brien,	Graham,	Sanders,
Browder,	Hays,	Smith, B.
Brown, T. D.	Holbrook,	Smither,
Bullock, E. I.	Ireland,	Stone,
Bullock, W. F.	Johnson, D. B.	Thompson,
Busby,	Karrick,	Triplett,
Carlisle,	Kennedy, J.	Vance,
Carpenter,	Kinkead,	Wakefield,
Chism,	Kirtley,	Weir,
Chrisman, G. T.	Lewis,	Welch,

Chrisman, M. T.	McCann,	Whaley,
Conklin,	McKee,	White, J.
Cox,	Munday,	Wolfe—50.
Craddock,	Petree,	

Mr. Conklin moved a re-consideration of the vote concurring in the first amendment proposed by the committee of the whole to said bill.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. R. L. Wickliffe and Bowman, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barnett,	Clarke,	Marshall, W. N.
Bowman,	Cornish,	Martin,
Brien,	Gaines,	Morin,
Brown, J. S.	Ireland,	Wickliffe, R. L.
Carlisle,	Johnson, D. B.	Wortham,
Chism,	Lykins,	Young—18.

Those who voted in the negative, were—

Mr. Speaker,	Flournoy,	Rouse,
Messrs. Barbour,	Forman,	Rumsey,
Bayse,	Garnett,	Sanders,
Biggs,	Hays,	Skiles,
Botts,	Holbrook,	Smith, B.
Bramlette,	Innes,	Smither,
Brawner,	Jefferson,	Stone,
Browder,	Johnson, R. M.	Swope,
Bullock, E. I.	Karrick,	Thomasson,
Bullock, W. F.	Kennedy, J.	Triplett,
Busby,	Kinkead,	Todd,
Carpenter,	Kirtley,	Vance,
Chrisman, G. T.	Lewis,	Vawter,
Chrisman, M. T.	Marshall, W. C.	Wakefield,
Coombs,	McCann,	Weir,
Conklin,	McKee,	Welch,
Cox,	Munday,	Whaley,
Craddock,	Noe,	White, J.
Cummins,	Owsley,	Wickliffe, R.
Fible,	Petree,	Wolfe—62.
Fletcher,	Prewitt,	

Ordered, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A message was received from the Governor by Mr. Harlan, Secretary of State, which is as follows, viz:

Gentlemen of the Senate and
House of Representatives:

By the request of the Governor of Tennessee, I transmit herewith, preamble and resolutions, adopted by the Legislature of that State, "in favor of the admission of Texas into the Union, with equal rights and upon an equal footing with the sovereign States of these United States."

R. P. LETCHER.

March 1, 1842.

COMMONWEALTH OF TENNESSEE.

EXECUTIVE DEPARTMENT,
Nashville, February 15, 1842.

SIR:

I have the honor to transmit the enclosed preamble and resolutions, passed by the General Assembly of this State at its late session.

Very respectfully,
Your ob't serv't,
JAMES C. JONES.

Preamble and resolutions in favor of the admission of Texas into the Union with equal rights and upon an equal footing with the sovereign States of these United States of America.

WHEREAS, the people of Texas have evinced an unconquerable love of Liberty, by their Spartan firmness in the Alamo, and their heroic conduct at San Jacinto: and, whereas, the same people have proved their capacity for self Government, by the adoption of their free and republican Constitution and Laws—

Be it therefore resolved by the General Assembly of the State of Tennessee, That our Representatives in Congress, be requested to use every exertion in their power to procure the admission of Texas into the Union with equal rights and upon an equal footing with the sovereign States of these United States of America.

Resolved, That the Governor of Tennessee, the Speaker of the Senate and the Speaker of the House of Representatives, in behalf of their respective Houses, be requested to subscribe these resolutions; and that his Excellency, the Governor, be requested to forward a copy to the Governor of each of the States and Territories of the Union, and a copy to the President of Texas.

Resolved, That this General Assembly approve of the joint resolutions, unanimously adopted by the Legislature of Alabama at its late session, on this subject, and transmitted to this General Assembly, through his Excellency, the Governor.

BURCHETT DOUGLASS,
Speaker of the House of Rep.
SAM. TURNEY,
Speaker of the Senate.

Adopted February 7th, 1842.

Ordered, That said message and accompanying documents be referred to Messrs. J. Speed Smith, Clarke, Vance, Botts and McKee.

On motion of Mr. Hays, leave was granted to bring in a bill to provide for the payment of contractors on public works for work already done.

Ordered, That Messrs. Hays, McKee, Browder, Clarke, Craddock and and Skiles prepare and bring in the same.

And then the House adjourned.

WEDNESDAY, MARCH 2, 1842.

A message was received from the Senate, announcing the passage of bills from this House of the following titles, viz:

An act to regulate the prices of the Public Printing.

An act for the benefit of the Versailles Artillery Company, and for other purposes.

An act for the benefit of Jacob Rizer, and others.

An act for the benefit of the 15th Regiment of Kentucky Militia.

An act for the benefit of Francis Graves.

An act for the benefit of William Newton, late Sheriff of Daviess county.

An act for the benefit of Thomas J. Nolen.

An act for the benefit of William P. C. Caldwell, of Caldwell county.

An act for the benefit of John McDonald.

An act to amend an act further to regulate the Shelby and Franklin turnpike, and for other purposes.

And had concurred in the adoption of a preamble and resolutions from this House, in relation to the navigation of the Western Rivers.

That they had passed bills of the following titles, viz:

An act to amend an act, entitled, an act to change the time of holding the Circuit Courts in the 16th Judicial District.

An act authorizing the exchange of thirty year State bonds for six year State bonds.

And had adopted a preamble and resolution in relation to the encouragement of demestic manufactures.

An engrossed bill, entitled, an act granting a bounty on silk cocoons, was read a third time, as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there is hereby granted a bounty to the producers of silk

cocoons in the State of Kentucky, under the following conditions, namely: To any person, (or persons forming a *bona fide* partnership for the purpose of producing silk cocoons,) who shall produce cocoons from worms fed on mulberry leaves or other food grown in Kentucky, the sum of fifty cents per bushel for every bushel up to ten bushels; and for every bushel over ten and up to twenty, forty cents; and for every bushel over twenty and up to thirty, thirty cents; and for every bushel over thirty and up to forty, twenty cents; and for every bushel over forty and up to fifty, ten cents; and for every bushel over fifty, five cents.

SEC. 2. *Be it further enacted*, That any person or persons claiming the bounty offered by this act, shall, in order to establish his or their right to receive the same, exhibit the cocoons for which the bounty is claimed before some Justice of the Peace of the county in which they were produced, and make oath or offer other satisfactory proof to the Justice of the Peace, that the cocoons were truly produced from silk-worms fed on mulberry leaves or other food grown in Kentucky in the same year in which the bounty is claimed, and that he or they have not elsewhere applied for or obtained a certificate entitling him or them to the bounty offered by this act, and that he or they will neither apply elsewhere for such certificate nor allow the use of the cocoons to any person else for that purpose; whereupon the Justice of the Peace shall grant his certificate, stating that such person or persons exhibited to him the quantity of cocoons on which the offered bounty is claimed, and that he or they have duly taken the oath required by this act; and the Clerk of the county court shall endorse his certificate thereon that the Justice of the Peace granting the certificate is officially known to him to be a Justice of the Peace of that county duly commissioned; and the Auditor of Public Accounts shall, on the presentation of the certificate in due form as above prescribed, issue to the holder thereof his warrant on the Treasurer for such sum as he may be entitled to receive at the rates of bounty prescribed in the first section of this act, who shall duly pay the same out of any moneys in the Treasury not otherwise appropriated.

SEC. 3. *Be it further enacted*, That any person violating the provisions of this act, by attempting to procure certificates more than once, or allowing the use of cocoons to any person else for the purpose of procuring another certificate, one having been granted, shall be deemed guilty of felony, and on conviction thereof, as in other cases of felony under the criminal laws of this State, shall undergo confinement in the Penitentiary of this State for the term prescribed for the punishment of perjury; and the person applying for a certificate, knowing one had already been granted to another person for the same cocoons, shall be likewise deemed guilty of a felony, and be punished on conviction as the criminal laws of the State prescribe in cases of perjury.

SEC. 4. *Be it further enacted*, That this act shall remain in force for the term of four years from its passage.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Graham and Brien, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Flournoy,	Morin,
Messrs. Barbour,	Forman,	Nuttall,

Basye,	Gaines,	Owsley,
Biggs,	Garnett,	Petree,
Bramlette,	Gholson,	Prewitt,
Brawner,	Holbrook,	Sanders,
Brown, T. D.	Innes,	Smither,
Bullock, W. F.	Ireland,	Stone,
Busby,	Jefferson,	Thomasson,
Carlisle,	Johnson, D. B.	Triplett,
Chism,	Johnson, R. M.	Todd,
Chowning,	Karrick,	Vance,
Chrisman, G. T.	Kennedy, J.	Vawter,
Chrisman, M. T.	Kennedy, W.	Wakefield,
Conklin,	Kinkead,	Welch,
Cox,	Kirtley,	Whaley,
Cummins,	Marshall, W. C.	White, J.
Drake,	McCann,	Wickliffe, R. L.
Fible,	Morgan,	Wolfe—57.

Those who voted in the negative, were—

Messrs. Brien,	Lykins,	Swope,
Bullock, E. I.	Marshall, W. N.	Thompson,
Carpenter,	Noe,	Wand,
Coombs,	Paxton,	Weir,
Conway,	Rouse,	Wickliffe, R.
Fletcher,	Rumsey,	Wortham—19.
Graham,		

Resolved, That the title thereof be as aforesaid.

Mr. W. F. Bullock read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Superintendent of Public Instruction be directed to report to the next General Assembly,

1st. Upon the expediency of organizing a profession of teachers, analagous to the other learned professions.

2d. Upon the expediency of elevating the condition of the common schools, or at least a portion of them, under certain conditions, so that they may furnish a thorough English education, including the sciences, connected with agriculture; and if he deem such a result practicable, to prepare and digest a plan by which it may be obtained.

3d. Upon the acknowledged evils connected with the school systems of other States, and the means by which said evils may be avoided in this Commonwealth.

The rule of the House requiring joint resolutions to lie one day on the table having been dispensed with,

The said resolution was then, on motion of Mr. Barbour, amended by adding thereto the following, viz:

Resolved, That the Public Printer be directed to print, in pamphlet form, a sufficient number of copies of the law establishing common schools in this Commonwealth, together with all amendments thereto, to furnish one

copy to each member of the Legislature, and the Clerks of the Circuit and County Courts, to be distributed with the Acts and Journals.

The said resolution, as amended, was then twice read and adopted.

Mr. E. I. Bullock, from the committee for Courts of Justice, to whom was referred a bill to authorize the delivery of Morehead & Brown's Digest to certain Justices of the Peace, and for other purposes—reported the same, with an amendment as a substitute for the bill, which was concurred in.

Ordered, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be amended to read as follows: "An act to provide for the purchase and distribution of certain books to public officers."

Mr. Nuttall from the committee for Courts of Justice, to whom was referred a bill to change the mode of capital punishment in the State of Kentucky—reported the same without amendment.

On motion of Mr. Owsley,

Ordered, That said bill be laid on the table for the present.

Mr. McKee, from the committee for Courts of Justice, reported a bill to preserve the public law books—which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of said bill having been dispensed with, and the same being engrossed,

Mr. Fletcher moved to lay said bill on the table for the present.

And the question being taken thereon, it was decided in the affirmative.

Mr. McKee, from the same committee, reported a bill to authorize writs of *fieri facias* to issue in certain cases, and for other purposes—which was read the first time.

On motion of Mr. Vance,

Ordered, That said bill be laid on the table for the present.

Mr. McKee, from the same committee, reported a bill to preserve the records of County and Circuit Courts, and further to guard against loss of original papers filed in the several offices of said courts—which was read the first time.

On motion of Mr. Hays,

Ordered, That said bill be laid on the table for the present.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee for Courts of Justice—A bill for the benefit of the German Lutheran Community of Lexington.

By same—A bill concerning the tax upon forfeited lands.

By same—A bill to authorize the sale of seven acres of land by the State agent of Garrard county, and appropriate the proceeds of sale.

By same—A bill to tax exchange brokers.

By same—A bill to amend an act authorizing fire companies in Lexington, approved 1798, and amended in 1840.

By the committee on Internal Improvement—A bill for the benefit of John and Jacob McGlasson, contractors on the Owingsville and Big Sandy turnpike road.

By the committee on Privileges and Elections—A bill to establish an election precinct in the county of Lawrence, and for other purposes.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Skiles, from the committee on Internal Improvement, reported a bill to provide for the payment of the contractors on the Kentucky river, which was read the first time, as follows, viz:

WHEREAS, certain damages have occured to the dams on Kentucky river while they were in progress of construction, which damages are said to be attributable in whole, or in part, to the accumulation of drift made by cutting the timber off the banks of said stream, by order of the constituted authorities of the State, to the detriment and injury of several of the contractors of said dams—for remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Board of Internal Improvement be, and they are hereby, authorized to settle all claims for damages, as aforesaid, upon just and equitable principles: *Provided, however*, That no casualty or loss shall be allowed for, except where the damage has accrued from causes for which the contractors could not be held responsible, or by the act of the State authorities, from the prosecution of other work not connected with the dam contracts, or anticipated by the contractors, at the time of making the contracts.

That the Board of Internal Improvement be, and they are hereby, directed to pay Raush & Farquharson three thousand dollars for repairs of dam No. 2, Kentucky river, done under the direction of the Engineers in the year 1840; and that the same be paid out of the funds set apart for improvement of the Kentucky river.

Mr. McCann moved to lay said bill on the table for the present.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. R. Wickliffe, Jr., and Morgan, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barbour,	Craddock,	Petree,
Barnett,	Cummins,	Prewitt,
Bowman,	Fletcher,	Rumsey,
Bramlette,	Flournoy,	Smith, B.
Brien,	Forman,	Smither,
Brown, T. D.	Graham,	Stone,
Bullock, E. I.	Hays,	Thompson,
Busby,	Jefferson,	Triplett,
Carlisle,	Lykins,	Wakefield,
Carpenter,	Marshall, W. C.	Wand,
Chism,	Marshall, W. N.	Welch,
Chrisman, M. T.	McCann,	White, J.
Clarke,	Morgan,	Wickliffe, R.
Conklin,	Munday,	Wortham,
Conway,	Noe,	Young—45.

Those who voted in the negative, were—

Mr. Speaker,	Gholson,	Nuttall,
Messrs. Biggs,	Holbrook,	Owsley,
Brawner,	Innes,	Rouse,
Browder,	Ireland,	Sanders,
Bullock, W. F.	Johnson, D. B.	Skiles,
Chambers,	Johnson, R. M.	Smith, J. Speed
Chowning,	Karrick,	Swope,
Chrisman, G. T.	Kennedy, J.	Thomasson,
Coombs,	Kennedy, W.	Todd,
Cornish,	Kinkead,	Vance,
Cox,	Kirtley,	Vawter,
Drake,	Lewis,	Weir,
Fible,	McKee,	Whaley,
Gaines,	Martin,	Wickliffe, R. L.
Garnett,	Morin,	Wolfe—45.

Ordered, That said bill be read a second time.

Mr. Swope then moved to dispense with the second reading of said bill.

And the question being taken thereon, it was decided in the negative—it requiring four-fifths.

The yeas and nays being required thereon by Messrs. W. C. Marshall and Swope, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Drake,	Nuttall,
Messrs. Basye,	Fible,	Owsley,
Biggs,	Gaines,	Rumsey,
Browder,	Garnett,	Sanders,
Brown, J. S.	Hays,	Skiles,
Bullock, E. I.	Innes,	Smith, B.
Bullock, W. F.	Ireland,	Smith, J. Speed

Carpenter,	Johnson, D. B.	Swope,
Chowning,	Johnson, R. M.	Thomasson,
Chrisman, G. T.	Kennedy, J.	Todd,
Chrisman, M. T.	Kinkead,	Vance,
Clarke,	Kirtley,	Vawter,
Cornish,	Lewis,	Weir,
Cox,	McKee,	Whaley,
Cummins,	Martin,	Wolfe—45.

Those who voted in the negative, were—

Messrs. Barbour,	Forman,	Petree,
Barnett,	Gholson,	Prewitt,
Botts,	Graham,	Rouse,
Bowman,	Jefferson,	Stone,
Bramlette,	Karrick,	Thompson,
Brawner,	Kennedy, W.	Triplett,
Brien,	Lykins,	Wakefield,
Busby,	Marshall, W. C.	Wand,
Carlisle,	Marshall, W. N.	Welch,
Chambers,	McCann,	White, J.
Chism,	Morgan,	Wickliffe, R.
Conklin,	Morin,	Wickliffe, R. L.
Craddock,	Munday,	Wortham,
Fletcher,	Noe,	Young—42.

A message was received from the Senate announcing the passage of bills from this House of the following titles, viz:

An act to repeal all laws providing for the appointment of Constables in Henry county, and for other purposes.

An act for the benefit of the heirs of William Guyton, deceased.

An act for the benefit of the Northern Bank of Kentucky.

An act supplemental to an act granting certain powers to the Bank of Kentucky, approved 22d February, 1842.

An act to amend the law establishing the Board of Internal Improvement.

An act to change the name of the Boone Academy, and for other purposes.

With amendments to the four last named bills.

And that they had concurred in the preamble and resolutions in relation to the duty imposed on tobacco by France and England.

And resolutions in relation to the duties of Superintendent of Public Instruction, and the printing and distribution of the school acts.

And that they had passed a bill, entitled, an act to amend the militia law.

And had received official information from the Governor that he had approved and signed enrolled bills which originated in the Senate, of the following titles, viz:

An act for the benefit of Polly Greenbee, and her four youngest children.

An act to incorporate the Methodist Episcopal Church in the city of Covington.

An act more effectually to protect the right of suffrage.

An act to amend the several acts establishing common schools.

Approved March 1, 1842.

Mr. Flournoy, from the committee on Enrollments, reported that the committee had examined sundry enrolled bills and resolutions which originated in this House of the following titles, and had found the same truly enrolled, viz:

An act to regulate the prices of the Public Printing.

An act for the benefit of Jacob Rizer, and others.

An act for the benefit of William Newton, late Sheriff of Daviess county.

An act for the benefit of the 15th Regiment of Kentucky Militia.

An act for the benefit of William P. C. Caldwell, of Caldwell county.

An act for the benefit of John McDonald.

An act for the benefit of the Versailles Artillery Company, and for other purposes.

An act for the benefit of Francis Graves.

An act for the benefit of Thomas J. Nolen.

An act to amend an act further to regulate the Shelby and Franklin turnpike, and for other purposes.

An act to allow an additional Constable to the counties of Oldham and Nelson.

Preamble and resolution in relation to the navigation of the Western Waters.

Preamble and resolution in relation to the establishment of an Armory in the West.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Flournoy inform the Senate thereof.

Mr. McKee, from the committee for Courts of Justice, to whom was referred a bill from the Senate, entitled, an act to amend an act providing that the fines and forfeitures of this Commonwealth shall be a fund for the payment Jurors, approved February 15, 1838—reported the same without amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The amendments proposed by the Senate to bills from this House of the following titles, viz:

An act for the divorce and change of name of Amanda Skeeters.

An act for the benefit of the Northern Bank of Kentucky.

Were twice read and concurred in.

The amendments proposed by the Senate to bills from this House of the following titles, viz:

An act to appropriate the proceeds of the sales of the public lands to the payment of the State's debt for Internal Improvement.

An act appointing an Internal Improvement Treasurer for the county of Ballard, and for other purposes.

Were twice read and disagreed to.

The amendments proposed by the Senate to a bill from this House, entitled, an act to incorporate the Trustees of the Moscow Seminary.

Were twice twice read and concurred in, with an amendment.

Mr. R. Wickliffe, Jr., from the committee for Courts of Justice, to whom was referred a bill from the Senate, entitled, an act exempting certain property from execution—reported the same without amendment.

The said bill was then, on motion of Mr. J. Speed Smith, amended.

Mr. Fletcher then moved the following amendment to said bill:

Be it further enacted, That there is and shall be exempt from execution one cow and calf, one bed and bedding, and five head of sheep, in addition to the articles of property now exempt from execution by the existing laws.

Mr. Hays then moved to lay said bill and amendment on the table for the present.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Nuttall and Morgan, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bramlette,	Craddock,	Petree,
Bullock, E. I.	Hays,	Smith, B.
Chism,	Jefferson,	Smither,
Clarke,	Kennedy, W.	Todd,
Conklin,	Lykins,	Wolfe—17.
Cox,	McKee,	

Those who voted in the negative, were—

Mr. Speaker,	Gaines,	Prewitt,
Messrs. Barbour,	Gholson,	Rouse,
Barnett,	Gilliam,	Rumsey,
Basye,	Holbrook,	Sanders,
Biggs,	Innes,	Skiles,
Bowman,	Ireland,	Smith, J. Speed
Brawner,	Johnson, D. B.	Stone,
Brien,	Johnson, R. M.	Swope,
Browder,	Karrick,	Thomasson,
Brown, J. S.	Kennedy, J.	Thompson,

Bullock, W. F.	Kinkead,	Triplett,
Busby,	Kirtley,	Vance,
Carlisle,	Lewis,	Vawter,
Chowning,	Marshall, W. N.	Wakefield,
Chrisman, G. T.	McCann,	Weir,
Chrisman, M. T.	Martin,	Welch,
Coombs,	Morgan,	Whaley,
Cornish,	Morin,	White, D.
Cummins,	Munday,	White, J.
Drake,	Noe,	Wickliffe, R.
Fible,	Nuttall,	Wickliffe, R. L.
Fletcher,	Owsley,	Wortham,
Flournoy,	Paxton,	Young—69.

The question was then taken on the adoption of the amendment proposed by Mr. Fletcher, and decided in the affirmative.

Ordered, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

The question was then taken on the passage of said bill, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. D. B. Johnson and Munday, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barbour,	Garnett,	Paxton,
Barnett,	Gholson,	Prewitt,
Basye,	Gilliam,	Rouse,
Biggs,	Holbrook,	Rumsey,
Botts,	Innes,	Sanders,
Bowman,	Ireland,	Skiles,
Brawner,	Johnson, D. B.	Smith, J. Speed
Brien,	Johnson, R. M.	Stone,
Brown, J. S.	Karrick,	Swope,
Brown, T. D.	Kennedy, J.	Thomasson,
Bullock, W. F.	Kinkead,	Thompson,
Busby,	Lewis,	Vance,
Carlisle,	Marshall, W. N.	Vawter,
Chowning,	McCann,	Wakefield,
Chrisman, G. T.	McKee,	Welch,
Coombs,	Martin,	Whaley,
Cornish,	Morgan,	White, D.
Cummins,	Morin,	White, J.
Drake,	Munday,	Wickliffe, R. L.
Fible,	Noe,	Wolfe,
Fletcher,	Nuttall,	Wortham,
Forman,	Owsley,	Young—67.
Gaines,		

Those who voted in the negative, were—

Messrs. Bramlette,	Cox,	Petree,
Browder,	Craddock,	Smith, B.
Bullock, E. I.	Flournoy,	Smither,
Carpenter,	Hays,	Triplett,
Chism,	Jefferson,	Todd,
Chrisman, M. T.	Kennedy, W.	Weir,
Clarke,	Kirtley,	Wickliffe, R.—23.
Conklin,	Lykins,	

Resolved, That the title thereof be as aforesaid.

A message was received from the Senate announcing that they had passed bills of the following titles, viz:

An act to amend the law concerning depositions.

An act to amend the law providing compensation for Commissioners of tax.

Mr. Browder, from the committee on Religion, to whom was referred a bill from the Senate, entitled, an act for the divorce of Jefferson A. Murray, reported the same without amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Prewitt moved the following resolution, viz:

Resolved, That the Public Printer be directed to print four thousand copies of the titles of the acts passed at the present session, with a concise statement of their prominent features, for the use of the good people of this State.

Which being twice read was adopted.

Mr. Wolfe moved a re-consideration of the vote refusing to read a third time a bill from the Senate, entitled, an act to provide for the payment of the debt already due to Contractors on the public works, and for the further prosecution of the system of Internal Improvement in the State of Kentucky.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McKee and Botts, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Flournoy,	Nuttall,
Messrs. Basye,	Forman,	Owsley,
Biggs,	Garnett,	Prewitt,
Botts,	Gholson,	Rumsey,
Brawner,	Holbrook,	Sanders,
Brown, J. S.	Innes,	Skiles,

Bullock, W. F.	Ireland,	Smith, J. Speed
Carlisle,	Jefferson,	Swope,
Carpenter,	Johnson, R. M.	Thomasson,
Chambers,	Karrick,	Triplett,
Chowning,	Kennedy, J.	Todd,
Chrisman, G. T.	Kinkead,	Vance,
Clarke,	Kirtley,	Vawter,
Coombs,	Lewis,	Whaley,
Cox,	Marshall, W. C.	Wickliffe, R.
Craddock,	McCann,	Wickliffe, R. L.
Fible,	Morin,	Wolfe—52.
Fletcher,		

Those who voted in the negative, were—

Messrs. Barbour,	Cummins,	Noe,
Barnett,	Drake,	Paxton,
Bowman,	Gaines,	Petree,
Bramlette,	Gilliam,	Rouse,
Brien,	Graham,	Smith, B.
Browder,	Hays,	Smither,
Brown, T. D.	Johnson, D. B.	Stone,
Bullock, E. I.	Kennedy, W.	Thompson,
Busby,	Lykins,	Wakefield,
Chism,	Marshall, W. N.	Weir,
Chrisman, M. T	McKee,	Welch,
Conklin,	Martin,	White, J.
Conway,	Morgan,	Wortham,
Cornish,	Munday,	Young—42.

Mr. Clarke then moved to amend said bill by adding thereto the following, viz:

Be it further enacted, That there shall be, and is hereby, allowed to the contractors, and such other persons as have labored on the public works or roads in this Commonwealth, who have received six or thirty year bonds of this State under contracts for money at par for such services or labour, twelve and one half per cent. upon all such bonds as were not passed off at par by such contractor or laborer: *Provided*, Such contractor or laborer shall comply with the provisions of this act hereinafter specified.

That before any contractor or laborer shall be entitled to the benefits of this act, he, she or they shall go before the Circuit Court of the county in which such person or persons may reside, and before the said court, by the testimony of one or more credible witness or witnesses, prove the amount which he, she or they may have lost in the payment of debts, or in raising money on the said bonds.

That it shall be the duty of the Judge of the Court, before whom such application is made, to hear the testimony which may be adduced, and in each case to determine whether the applicant has complied with the provisions of this act, so as to be entitled to the provisions thereof, and whether or not his, her or their claim is a just one; which opinion of the court, when certified by the Clerk of said court, being in favor of such applicant's claim,

shall be sufficient authority for the said Auditor to issue his warrant, as by this act he is required to do. That it shall be the duty of the Treasurer of this State to pay off said warrant, when presented, out of any moneys which may be in the Treasury.

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hays and Thompson, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Brown, T. D.	Craddock,	Johnson, D. B.
Bullock, E. I.	Cummins,	Rumsey,
Clarke,	Gaines,	Smither,
Coombs,	Garnett,	Swope,
Conway,	Graham,	Wickliffe, R. L.-15

Those who voted in the negative, were—

Mr. Speaker,	Fletcher,	Munday,
Messrs. Barbour,	Flournoy,	Noe,
Barnett,	Forman,	Nuttall,
Basye,	Gholson,	Owsley,
Biggs,	Gilliam,	Petree,
Botts,	Hays,	Prewitt,
Bowman,	Holbrook,	Rouse,
Bramlette,	Innes,	Sanders,
Brawner,	Ireland,	Skiles,
Brien,	Jefferson,	Smith, B.
Browder,	Johnson, R. M.	Smith, J. Speed
Brown, J. S.	Karrick,	Stone,
Bullock, W. F.	Kennedy, J.	Thomasson,
Busby,	Kennedy, W.	Thompson,
Carlisle,	Kinkead,	Todd,
Carpenter,	Kirtley,	Vance,
Chambers,	Lewis,	Vawter,
Chism,	Lykins,	Wakefield,
Chowning,	Marshall, W. C.	Weir,
Chrisman, G. T.	Marshall, W. N.	Welch,
Chrisman, M. T.	McCann,	Whaley,
Conklin,	McKee,	Wickliffe, R.
Cornish,	Martin,	Wolfe,
Cox,	Morin,	Young—73.
Fible,		

Mr. Craddock then moved the following amendment to said bill, viz:

Be it further enacted, That the sum of nineteen thousand nine hundred and ninety nine dollars be, and the same is hereby, appropriated to the turnpike road leading from Louisville to the Tennessee State line, by way of the mouth of Salt river, Elizabethtown, Munfordsville, &c., to the State line, in a direction to Nashville, to be paid out to the several local boards

on the said road, in the proportion of the extent of road such boards may have jurisdiction of; which sum is to be paid out independent of individual stock.

And the question being taken on the adoption of said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hays and Conway, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Garnett,	Sanders,
Messrs. Biggs,	Gholson,	Skiles,
Brown, T. D.	Innes,	Smither,
Bullock, W. F.	Johnson, R. M.	Swope,
Chambers,	Kinkead,	Thomasson,
Clarke,	Kirtley,	Todd,
Coombs,	Nuttall,	Vance,
Conway,	Owsley,	Vawter,
Cox,	Rumsey,	Wolfe—28.
Craddock,		

Those who voted in the negative, were—

Messrs. Barbour,	Fletcher,	Munday,
Barnett,	Flournoy,	Noe,
Basye,	Forman,	Paxton,
Botts,	Gaines,	Petree,
Bowman,	Gilliam,	Prewitt,
Bramlette,	Graham,	Smith, B.
Brien,	Hays,	Smith, J. Speed
Browder,	Holbrook,	Stone,
Brown, J. S.	Ireland,	Thompson,
Bullock, E. I.	Jefferson,	Triplett,
Busby,	Karrick,	Wakefield,
Carlisle,	Kennedy, J.	Weir,
Carpenter,	Kennedy, W.	Welch,
Chism,	Lewis,	Whaley,
Chowning,	Lykins,	White, D.
Chrisman, G. T.	Marshall, W. C.	White, J.
Chrisman, M. T.	Marshall, W. N.	Wickliffe, R.
Conklin,	McCann,	Wickliffe, R. L.
Cornish,	McKee,	Wortham,
Cummins,	Martin,	Young—62.
Fible,	Morin,	

Mr. Nuttall then moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McKee and Chambers, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Forman,	Nuttall,
Messrs. Barnett,	Garnett,	Owsley,
Bayse,	Gholson,	Paxton,
Biggs,	Gilliam,	Petree,
Botts,	Holbrook,	Rumsey,
Brawner,	Innes,	Sanders,
Browder,	Ireland,	Skiles,
Bullock, W. F.	Jefferson,	Smith, B.
Carlisle,	Johnson, R. M.	Smith, J. Speed
Carpenter,	Karrick,	Swope,
Chambers,	Kennedy, J.	Thomasson,
Chowning,	Lewis,	Todd,
Chrisman, G. T.	Marshall, W. C.	Vance,
Coombs,	Marshall, W. N.	Vawter,
Cox,	McCann,	Whaley,
Fible,	Morin,	Wickliffe, R. L.50
Flournoy,	Noe,	

Those who voted in the negative, were—

Messrs. Barbour,	Drake,	Rouse,
Bowman,	Fletcher,	Smither,
Bramlette,	Gaines,	Stone,
Brien,	Graham,	Thompson,
Brown, J. S.	Hays,	Triplett,
Brown, T. D.	Johnson, D. B.	Wakefield,
Bullock, E. I.	Kennedy, W.	Wand,
Busby,	Kinkead,	Weir,
Chism,	Kirtley,	Welch,
Chrisman, M. T.	Lykins,	White, D.
Clarke,	McKee,	White, J.
Conklin,	Martin,	Wickliffe, R.
Conway,	Morgan,	Wolfe,
Cornish,	Munday,	Wortham,
Craddock,	Prewitt,	Young—46.
Cummins,		

The main question was then put—Shall the bill be read a third time? and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Craddock and Skiles, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Forman,	Nuttall,
Messrs. Basye,	Garnett,	Owsley,
Biggs,	Gholson,	Rumsey,
Botts,	Gilliam,	Sanders,
Brawner,	Holbrook,	Skiles,
Bullock, W. F.	Innes,	Smith, J. Speed

Carlisle,	Ireland,	Swope,
Carpenter,	Jefferson,	Thomasson,
Chambers,	Johnson, R. M.	Triplett,
Chowning,	Karrick,	Todd,
Chrisman, G. T.	Kennedy, J.	Vance,
Clarke,	Kinkead,	Vawter,
Coombs,	Kirtley,	Whaley,
Cox,	Marshall, W. C.	Wickliffe, R.
Fible,	McCann,	Wickliffe, R. L.-47
Flournoy,	Morin,	

Those who voted in the negative, were—

Messrs. Barbour,	Drake,	Petree,
Barnett,	Fletcher,	Prewitt,
Bowman,	Gaines,	Rouse,
Bramlette,	Graham,	Smith, B.
Brien,	Hays,	Smither,
Browder,	Johnson, D. B.	Stone,
Brown, J. S.	Kennedy, W.	Thompson,
Brown, T. D.	Lewis,	Wakefield,
Bullock, E. I.	Lykins,	Wand,
Busby,	Marshall, W. N.	Weir,
Chism,	McKee,	Welch,
Chrisman, M. T.	Martin,	White, D.
Conklin,	Morgan,	White, J.
Conway,	Munday,	Wolfe,
Cornish,	Noe,	Wortham,
Craddock,	Paxton,	Young—49.
Cummins,		

A message was received from the Senate announcing their disagreement to a bill from this House, entitled, an act for the benefit of Andrew Barnett.

That they had passed bills from this House of the following titles, viz:

An act to establish the county of Letcher.

An act for the benefit of William B. Moore.

An act for the benefit of S. Camron and others.

An act for the divorce and change of name of Elizabeth Pryor.

An act to dissolve the marriage contract between James M. Stephens and Susan Jane Stephens.

An act for the divorce of John Skillman.

With amendments to the two last named bills.

And that they had adopted a report and resolutions concerning the action of the States of South Carolina, Virginia and New York, in relation to fugitives from justice and fugitive slaves.

Mr. Hays moved to dispense with the regular business of the day in order that he might make a report from a select committee.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Weir and T. D. Brown, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,
Messrs. Barbour,
Barnett,
Bramlette,
Brawner,
Brien,
Browder,
Brown, J. S.
Brown, T. D.
Bullock, E. I.
Busby,
Carpenter,
Chism,
Chrisman, G. T.
Chrisman, M. T.
Clarke,
Coombs,
Conklin,
Conway,
Cornish,
Cox,
Craddock,
Cummins,
Drake,
Fletcher,
Flournoy,
Gaines,
Garnett,
Gholson,
Gilliam,
Graham,
Hays,
Johnson, D. B.
Johnson, R. M.
Kennedy, J.
Kennedy, W.
Kinkead,
Kirtley,
Lykins,
Marshall, W. N.
McCann,
McKee,
Martin,
Morgan,
Munday,
Noe,
Owsley,
Paxton
Petree,
Prewitt,
Rouse,
Rumsey,
Sanders,
Smith, B.
Smither,
Stone,
Thomasson,
Thompson,
Triplett,
Wakefield,
Wand,
Weir,
Welch,
White, J.
Wickliffe, R.
Wolfe,
Wortham,
Young—68.

Those who voted in the negative, were—

Messrs. Basye,
Biggs,
Botts,
Bowman,
Bullock, W. F.
Carlisle,
Chambers,
Chowning,
Fible,
Forman,
Holbrook,
Innes,
Ireland,
Jefferson,
Karrick,
Marshall, W. C.
Morin,
Nuttall,
Skiles,
Smith, J. Speed
Swope,
Todd,
Vance,
Vawter,
Whaley,
White, D.
Wickliffe, R. L.27

Mr. Hays, from the select committee appointed to prepare and bring in the same, reported a bill to provide for the payment of Contractors on public works for work already done—which was read the first time, as follows, viz:

WHEREAS, The State of Kentucky has been engaged in a general system of Internal Improvement, in the prosecution of which a considerable debt has accrued to individuals for work already done, the payment of which is unprovided for by law—wherefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That in addition to the unexpended balance appropriated by law, approved February 18, 1841, entitled, an act to amend the several acts

providing for the Internal Improvement of the State of Kentucky, that there is hereby appropriated the further sum of $300,000.

SEC. 2. That of this sum $220,000 shall be appropriated to the payment of contractors for amounts due them for work already done and materials already laid in by them; $40,000 be applied to the Kentucky river navigation, and $40,000 be applied to the Green and Barren river navigation.

SEC. 3. That to provide the means necessary to meet the foregoing appropriations, the Governor of this Commonwealth be, and he is hereby, authorized to sell the bonds or scrip of the State, in the United States or elsewhere, to the aforesaid amount of $300,000, in sums of not less than one thousand dollars, bearing an interest of six per cent. per annum, payable semi-annually, at any place within the United States, redeemable at any time after thirty years, and at not less than par value in Kentucky currency: *Provided, however*, That the Governor shall not be authorized to sell any amount of bonds or scrip, authorized to be sold by this act, beyond the resources of the Sinking Fund to meet the interest on the same.

SEC. 4. That should any contractor for work, by writing under his hand executed to the Board of Internal Improvement, choose to accept as payment or part payment as his dues from this Commonwealth any of the bonds or scrip of the State, authorized to be issued by this act, it shall be the duty of the Governor to issue the same, and place said bond or bonds in the Treasury; and upon the requisition of the Board of Internal Improvement, and the warrant of the Auditor in favor of such contractor, it shall be the duty of the Treasurer to pay out the same, which shall be received by said contractor and charged to said board as so much money, and the same shall be considered as constituting a legal sale of said bonds to said contractor.

SEC. 5. That should the Governor fail to sell the bonds of the State, as directed in the foregoing section of this act, or should the contractor refuse to receive them, then, at any time after the passage of this act, it shall be lawful for the Governor to issue said bonds, from time to time, and in such numbers, as may be necessary to meet the expenditures on the public works, and deposit the same in such banks or branches of banks in this State as he may think proper to select for the purpose.

SEC. 6. That with the bank or banks, where such deposits are made, it shall be lawful for the Governor to negotiate for the preparation and issue of checks or certificates of deposit of the denominations of from five to ten dollars, inclusive, and of the denominations of fifteen and twenty dollars; these checks shall be signed by the President and countersigned by the Cashier of said bank, and shall be drawn payable in bonds of the State of Kentucky, whenever the sum of one thousand dollars shall be presented, and shall bear interest at the rate of six per cent. per annum from the date of their issue; and shall be paid out at the counter of said bank, upon the check of the Treasurer, for the purposes heretofore recited in this act.

SEC. 7. That the bonds thus deposited, from time to time, shall be placed to the credit of the Treasurer, who, upon the requisition of the Board of Internal Improvement, and the warrant of the Auditor, shall give his check on such bank or branch bank to the amount thereof, to be paid in said certificates of deposit, and charge the same to the Internal Improvement fund.

SEC. 8. That the expense of preparing and issuing said checks or certifi-

cates of deposit, upon the presentation of the account, approved by the Governor, shall be paid out of the Treasury, and charged to the Internal Improvement fund.

SEC. 9. That on all contracts on public works and turnpike roads, for the further prosecution of which there is no provision made in this act, it shall be the duty of the Board of Internal Improvement, on the application of the contractor or contractors on said works or roads, to make, or cause to be made, a settlement with said contractor or contractors, and for work already done and materials laid in by them, to pay them out of the fund, and in the manner, provided in this act; and also, take into consideration the real and actual damages sustained by such contractor or contractors, in consequence of the failure on the part of the State to provide for the prosecution of the works, with the data on which such damages are founded, and report the same to the next General Assembly.

The question was then taken on reading said bill a second time, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. Chambers and Hays, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Cummins,	Paxton,
Messrs. Barbour,	Drake,	Petree,
Barnett,	Fible,	Prewitt,
Bowman,	Fletcher,	Rumsey,
Bramlette,	Flournoy,	Smith, B.
Brawner,	Gaines,	Smith, J. Speed
Brien,	Garnett,	Smither,
Browder,	Gholson,	Stone,
Brown, J. S.	Gilliam,	Swope,
Brown, T. D.	Graham,	Thomasson,
Bullock, E. I.	Hays,	Thompson,
Bullock, W. F.	Johnson, D. B.	Triplett,
Busby,	Johnson, R. M.	Todd,
Carlisle,	Kennedy, J.	Wakefield,
Carpenter,	Kennedy, W.	Wand,
Chism,	Kinkead,	Weir,
Chrisman, G. T.	Kirtley,	Welch,
Chrisman, M. T.	Lykins,	White, D.
Clarke,	Marshall, W. N.	White, J.
Coombs,	McCann,	Wickliffe, R.
Conklin,	McKee,	Wickliffe, R. L.
Conway,	Martin,	Wolfe,
Cornish,	Morgan,	Wortham,
Cox,	Munday,	Young—74.
Craddock,	Owsley,	

Those who voted in the negative, were—

Messrs. Basye,	Innes,	Nuttall,
Biggs,	Ireland,	Rouse,

Botts,	Jefferson,	Sanders,
Chambers,	Karrick,	Skiles,
Chowning,	Marshall, W. C.	Vance,
Forman,	Morin,	Vawter,
Holbrook,	Noe,	Whaley—21.

Mr. Hays then moved to dispense with the second reading of said bill, and it was decided in the negative—it requiring four-fifths.

The yeas and nays being required thereon by Messrs. W. C. Marshall and Weir, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Craddock,	Munday,
Messrs. Barbour,	Cummins,	Owsley,
Barnett,	Drake,	Paxton,
Bowman,	Fletcher,	Petree,
Bramlette,	Flournoy,	Prewitt,
Brawner,	Gaines,	Smith, B.
Brien,	Garnett,	Smith, J. Speed
Browder,	Gholson,	Smither,
Brown, J. S.	Gilliam,	Stone,
Brown, T. D.	Graham,	Thomasson,
Bullock, E. I.	Hays,	Thompson,
Bullock, W. F.	Johnson, D. B.	Triplett,
Busby,	Johnson, R. M.	Wakefield,
Carpenter,	Kennedy, J.	Wand,
Chism,	Kennedy, W.	Weir,
Chrisman, G. T.	Kinkead,	Welch,
Chrisman, M. T.	Kirtley,	White, D.
Clarke,	Lykins,	White, J.
Coombs,	Marshall, W. N.	Wickliffe, R.
Conklin,	McCann,	Wickliffe, R. L.
Conway,	McKee,	Wolfe,
Cornish,	Martin,	Wortham,
Cox,	Morgan,	Young—69.

Those who voted in the negative, were—

Messrs. Basye,	Innes,	Nuttall,
Biggs,	Ireland,	Rouse,
Botts,	Jefferson,	Sanders,
Carlisle,	Karrick,	Skiles,
Chambers,	Marshall, W. C.	Todd,
Chowning,	Morin,	Vawter,
Forman,	Noe,	Whaley—22.
Holbrook,		

Mr. Skiles, from the committee on Internal Improvement, to whom was referred a bill concerning the Lexington and Ohio Railroad, reported the same, with an amendment as a substitute for the bill, which was concurred in.

And then the House adjourned.

THURSDAY, MARCH 3, 1842.

Mr. Brien asked leave to withdraw the petition of sundry citizens of Calloway county, praying for a division of said county—which was granted, and said petitions withdrawn.

Mr. Thompson moved the following resolution, viz:

Resolved, That the mileage of the members of this House, shall be computed by the nearest and most usual route that is traveled by land.

On motion of Wortham,

Ordered, That said resolution be laid on the table.

Mr. Conklin moved to dispense with the regular business to take up for consideration the resolutions from the Senate in relation to the banks resuming specie pryments.

And the question being taken thereon, it was decided in the negative; it requiring two-thirds.

The yeas and nays being required thereon by Messrs. Conklin and Clarke, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Drake,	Martin,
Messrs. Basye,	Fible,	Morin,
Biggs,	Flournoy,	Munday,
Botts,	Forman,	Noe,
Bramlette,	Gaines,	Owsley,
Brawner,	Garnett,	Paxton,
Brown, T. D.	Graham,	Rumsey,
Bullock, E. I.	Hays,	Sanders,
Bullock, W. F.	Holbrook,	Smither,
Busby,	Innes,	Thompson,
Carlisle,	Ireland,	Triplett,
Carpenter,	Jefferson,	Wakefield,
Chism,	Johnson, D. B.	Weir,
Chrisman, M. T	Kennedy, J.	Welch,
Clarke,	Kirtley,	Whaley,
Conklin,	Lewis,	Wolfe.
Conway,	Lykins,	Wortham,
Cox,	McKee,	Young—54.

Those who voted in the negative, were—

Messrs. Barbour,	Gilliam,	Smith, B.
Barnett,	Johnson, R. M.	Smith, J. Speed
Bowman,	Kennedy, W.	Stone,
Brien,	Kinkead,	Swope,

Browder,	Marshall, W. C.	Thomasson,
Chambers,	Marshall, W. N.	Todd,
Chowning,	McCann,	Vance,
Chrisman, G. T.	Morgan,	Vawter,
Coombs,	Nuttall,	White, J.
Craddock,	Prewitt,	Wickliffe, R.
Cummins,	Rouse,	Wickliffe, R. L.-35
Gholson,	Skiles,	

Mr. Skiles, from the committee on Internal Improvement, reported a bill to amend the law in relation to keeping the public roads in repair—which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Bills from the Senate of the following titles, viz:

1. An act to amend the law providing compensation for Commissioners of tax.

2. An act for the divorce of Susan Wright, and to restore her to her former name.

3. An act for the benefit of Pryor Sandford and wife, and for other purposes.

4. An act to repeal in part an act, entitled, an act to vacate a part of the town of Westport, and for other purposes.

5. An act further to define the crime of arson by a slave.

6. An act authorizing the exchange of thirty year State bonds for six year State bonds.

7. An act to amend an act, entitled, an act to change the time of holding the Circuit Courts in the 16th Judicial District.

8. An act to amend the law concerning depositions.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with—the 1st, 2d, 3d, 5th, 6th, 7th and 8th were ordered to be read a third time; and the 4th was refered to the committee for Propositions and Grievances.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 3d, 5th, 6th, 7th and 8th bills having been dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the Senate announcing their concurrence in the amendment of this House to a bill from the Senate, entitled, an act to amend the laws exempting certain property from execution.

And their concurrence in the amendment of this House to the amendment

of the Senate to a bill from this House, entitled, an act to regulate the Trustees of the Moscow Seminary.

And that they recede from their amendment to a bill from this House, entitled, an act to appropriate the sales of the public lands to the payment of the State's debt for Internal Improvement.

And that they insist on their amendment to a bill from this House, entitled, an act appointing an Internal Improvement Treasurer for the county of Ballard, and for other purposes.

That they had passed bills from this House of the following titles, viz:

An act for the benefit of L. B. Stoughton.

An act for the appropriation of money.

An act to re-establish the town of Portland.

With amendments to the two last named bills.

A bill from the Senate, entitled, an act authorizing the Second Auditor to have the land sold that may be forfeited to the Commonwealth of Kentucky for the non-payment of taxes, interest and costs due thereon—was read the first time.

On motion of Mr. J. Kennedy,

Ordered, That said bill be laid on the table for the present.

Ordered, That a committee of conference be appointed on the disagreement between the two Houses on the bill from this House, entitled, an act appointing an Internal Improvement Treasurer for the county of Ballard, and for other purposes.

Whereupon Messrs. Lewis, Fletcher and Gilliam were appointed said committee, on the part of this House, to meet a similar committee on the part of the Senate.

Ordered, That Mr. Lewis inform the Senate thereof.

After a short time Mr. Lewis reported that the committee had agreed that the amendment of the Senate to said bill be concurred in by this House, which report was adopted.

A bill from the Senate, entitled, an act to amend the milita law—was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with,

On motion of Mr. Forman,

Ordered, That said bill be laid on the table for the present.

The amendments proposed by the Senate to a bill from this House, entitled, an act supplemental to an act granting certain powers to the Bank of Kentucky, approved February 22, 1842--were taken up, twice read and disagreed to.

The amendments proposed by the Senate to a bill from this House, entitled, an act to change the name of the Boone Academy, and for other purposes—were taken up, twice read, and concurred in.

The amendment proposed by the Senate to a bill from this House, entitled, an act to amend the law establishing the Board of Internal Improvement—proposed to strike out all of the bill from the House after the enacting clause, and insert the following, viz:

That the Board of Internal of Improvement shall hereafter consist of a President and two members; and the Secretary of said Board shall receive an annual salary of five hundred dollars.

Be it further enacted, That all laws authorizing the appointment or continuance in office, at a fixed annual salary, of any chief or resident Engineer, shall be, and the same is hereby, repealed: *Provided, however*, That should it be deemed necessary by the Board of Internal Improvement to fill, temporarily, any vacancy so occasioned, in order to fulfil any obligation made with a contractor or contractors, and to guard and protect the interest of the State against any loss or injury, whether it be consequent upon any defective or erroneous estimate heretofore or hereafter to be made, or for the carrying on the works of Internal Improvement or otherwise, it shall be the duty of said Board to make known their views and opinions to the Governor in writing, and if the Governor shall concur in the opinion with the Board that the appointment or employment of such Engineer or Engineers shall be expedient and proper, he may and is hereby authorized to make such temporary appointment accordingly, taking care to select a competent and skillful Engineer to examine, supervise and correct the said estimates preparatory to a settlement of accounts, or to carry on said works; and the duties of said Engineers shall be prescribed by said Board, and they shall receive for the services, so rendered, such compensation as the Board, by and with the approbation of the Governor, may consider equitable and just, not exceeding twenty five hundred dollars for all the services so rendered during the present year: *And provided further*, That the compensation so allowed any such Engineer shall not exceed the rate of one thousand dollars per year for the time such Engineer shall be actually engaged in the public service.

Be it further enacted, That the 5th section of an act, entitled, an act to amend the several acts providing for Internal Improvements in the State of Kentucky, approved February 18, 1841, shall be, and the same is hereby, repealed, and that the duties imposed upon the Superintendents contemplated by said section, shall be performed by the Engineer or Engineers whose appointments are authorized by this act.

Mr. Chambers then moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the affirmative.

The main question was then put—Shall this House concur in the said amendment of the Senate? and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Gaines and J. Kennedy, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Botts,	Ireland,	Sanders,
Brown, J. S.	Jefferson,	Swope,

Bullock, E. I.	Johnson, R. M.	Vance,
Cox,	Kennedy, J.	Vawter,
Forman,	Kinkead,	Welch,
Graham,	Marshall, W. C.	Whaley,
Innes,	Owsley,	Wolfe—21.

Those who voted in the negative, were—

Messrs. Barbour,	Drake,	Paxton,
Barnett,	Fletcher,	Petree,
Bowman,	Flournoy,	Prewitt,
Bramlette,	Gaines,	Skiles,
Brawner,	Gholson,	Smith, B.
Brien,	Hays,	Smith, J. Speed
Browder,	Holbrook,	Smither,
Bullock, W. F.	Karrick,	Stone,
Busby,	Kennedy, W.	Thomasson,
Carpenter,	Lewis,	Thompson,
Chambers,	Lykins,	Todd,
Chism,	Marshall, W. N.	Wakefield,
Chrisman, G. T.	McCann,	Wand,
Chrisman, M. T.	McKee,	Weir,
Clarke,	Martin,	White, D.
Coombs,	Morgan,	White, J.
Conklin,	Morin,	Wickliffe, R.
Conway,	Munday,	Wickliffe, R. L.
Cornish,	Noe,	Wortham,
Craddock,	Nuttall,	Young—61.
Cummins,		

Mr. Triplett, from the committee on Enrollments, reported that the committee had examined sundry enrolled bills which originated in the Senate, of the following titles, and had found the same truly enrolled, viz:

An act to amend an act providing that the fines and forfeitures in this Commonwealth shall be a fund for the payment of Jurors.

An act to regulate the town of Cadiz.

An act for the divorce of Jefferson A. Murray.

An act concerning the Register of the Land Office.

An act for the benefit of William Quisenbery.

And bills and resolutions which originated in this House of the following titles, viz:

An act to establish county of Letcher.

An act for the divorce and change of name of Amanda Skeeters and to divorce Jackson Howerton and wife.

An act for the benefit of the Northern Bank of Kentucky.

An act for the benefit of William B. Moore.

An act for the benefit of S. Camron and others.

An act to repeal all laws providing for the appointment of Constables in Henry county, and for other purposes.

An act for the benefit of the heirs of William Guyton, deceased.

An act for the divorce and change of name of Elizabeth Pryor.

Resolutions in relation to the duties of Superintendent of Public Instruction and the printing and distributing of the School Acts.

Preamble and resolutions in relation to the duty imposed on tobacco by France and England.

The amendments proposed by the Senate to bills from this House of the following titles, viz:

An act for the divorce of John Skilman.

An act to dissolve the marriage contract between James M. Stephens and Susan Jane Stephens.

An act to re-establish the town of Portland.

Were taken up, twice read, and concurred in

A message was received from the Senate announcing that they insist on their amendment to a bill from this House, entitled, an act supplemental to an act granting certain powers to the Bank of Kentucky, approved February 22, 1842, and had appointed a committee of conference, on their part, to meet a similar committee on the part of this House in relation to the disagreement between the two Houses.

Whereupon Messrs. J. Speed Smith, W. C. Marshall and Browder were appointed the committee on the part of this House.

And that they insist on their amendment to a bill from this House, entitled, an act to amend the law establishing the Board of Internal Improvement; and had appointed a committee of conference, on their part, to meet a similar committee on the part of this House in relation to the disagreement between the two Houses.

Whereupon Messrs. W F. Bullock, Chambers and Craddock were appointed a committee on the part of this House.

After a short time Mr. Bullock, from said committee, made a report, which was adopted.

Ordered, That Mr. Bullock inform the Senate thereof.

Mr. J. Speed Smith, from the committee of conference in relation to the disagreement between the two Houses on the amendment proposed by the Senate to a bill from this House, entitled, an act supplemental to an act granting certain powers to the Bank of Kentucky, approved February 22, 1842, made a report, which was concurred in.

Ordered, That Mr. J. Speed Smith inform the Senate thereof.

A message was received from the Senate announcing that they concur in the report of the committee of conference on the bill, entitled, an act to amend the law establishing the Board of Internal Improvement.

And that they concur in the report of the committee of conference on the bill, entitled, an act supplemental to an act granting certain powers to the Bank of Kentucky, approved February 22, 1842.

The House then took up the amendments proposed by the Senate to a bill from this House, entitled, an act for the appropriation of money.

The first amendment was then twice read and concurred in.

The second amendment proposed by the Senate to said bill reads as follows, viz:

To James Coleman, Jr., in full for his services in the office of Secretary of State up to this time, two hundred and fifty dollars.

And the question being taken on disagreeing to said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. D. B. Johnson and Rumsey, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barbour, Basye, Bowman, Brown, T. D. Bullock, W. F. Carlisle, Carpenter, Chowning, Chrisman, M. T. Coombs, Conklin, Conway, Craddock, Cummins, Drake, Flournoy, Forman, Gaines, Graham, Hays, Ireland, Johnson, D. B. Karrick, Kennedy, J. Lykins, Morgan, Munday, Paxton, Rouse, Rumsey, Sanders, Smith, B. Smither, Thomasson, Thompson, Triplett, Vance, Wakefield, Wand, Welch—40.

Those who voted in the negative, were—

Mr. Speaker, Messrs. Barnett, Biggs, Botts, Bramlette, Brien, Browder, Brown, J. S. Bullock, E. I. Busby, Chambers, Chrisman, G. T. Cornish, Cox, Fible, Fletcher, Garnett, Gholson, Gilliam, Holbrook, Innes, Jefferson, Johnson, R. M. Kennedy, W. Kinkead, Lewis, Marshall, W. C. Marshall, W. N. McCann, McKee, Morin, Noe, Nuttall, Owsley, Prewitt, Skiles, Smith, J. Speed Stone, Swope, Todd, Vawter, Weir, Whaley, White, J. Wickliffe, R. Wickliffe, R. L. Wolfe—47.

The third amendment proposed to said bill by the Senate was then concurred in.

The fourth, fifth and sixth amendments proposed by the Senate were then read as follows, viz:

To Samuel Daviess, one of the Board of Internal Improvement, for his pay from 18th February to 3d March, 1842, (thirteen days,) $39 and expenses, $13.

To Peter Dudley, one of the Board of Internal Improvement, for thirteen days services, same as above, $39.

To Thomas Metcalfe, President of said Board of Internal Improvement, for thirteen days service and expenses during said time, $52.

And the question being taken on concurring in said amendments, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Gaines and D. B. Johnson, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Craddock,	Morin,
Messrs. Barbour,	Cummins,	Noe,
Barnett,	Drake,	Owsley,
Bayse,	Fible,	Paxton,
Biggs,	Fletcher,	Prewitt,
Bowman,	Forman,	Rouse,
Bramlette,	Garnett,	Skiles,
Brawner,	Gholson,	Smith, B.
Brien,	Gilliam,	Smither,
Browder,	Hays,	Stone,
Brown, J. S.	Innes,	Swope,
Bullock, E. I.	Ireland,	Thomasson,
Bullock, W. F.	Jefferson,	Triplett,
Busby,	Johnson, R. M.	Todd,
Carlisle,	Karrick,	Vance,
Chambers,	Kennedy, J.	Vawter,
Chowning,	Kinkead,	Wakefield,
Chrisman, G. T.	Lewis,	Welch,
Chrisman, M. T.	Marshall, W. C.	Whaley,
Coombs,	McCann,	Wickliffe, R.
Conklin,	Martin,	Wickliffe, R. L.65
Cornish,	Morgan,	

Those who voted in the negative, were—

Messrs. Clarke,	Gaines,	Wand,
Conway,	Johnson, D. B.	White, J.—8.
Flournoy,	Munday,	

A message was received from the Senate, announcing the passage of bills from this House of the following titles, viz:

An act for the benefit of John and Jacob McGlossin, Contractors on the Owingsville and Big Sandy turnpike road.

An act granting a bounty on Silk Cocoons.

An act to provide for the purchase and distribution of certain books to public officers.

An act for the benefit of the German Lutheran community of Lexington.

An act to authorize the sale of seven acres of land by the State agent for Garrard county, and appropriate the proceeds of sale.

An act concerning the tax upon forfeited lands.

An act to amend the law in relation to keeping public roads in repair, and for other purposes.

An act to establish an election precinct in the county of Lawrence, and for other purposes.

On motion of Mr. Graham, leave was given to withdraw the petition and documents of L. B. Stoughton, and the same were withdrawn.

Leave of absence for the remainder of the session was granted to Messrs. Prewitt and Karrick.

Mr. McKee asked leave to withdraw the petition and documents of —— Barbour, and the same were withdrawn.

Mr. Barnett asked leave to withdraw the petition and papers of Andrew Barnett, and the same were withdrawn.

Mr. Wakefield presented the petition of sundry citizens of Spencer county, praying the establishment of a Commonwealth's Bank, or the passage of some relief law.

Mr. Drake asked leave to withdraw the petition of Noah Bright, and the petition of ——— Chism—which was granted, and the petitions withdrawn.

A message was received from the Senate announcing the passage of bills from this House of the following titles, viz:

An act to amend an act authorizing Fire Companies in Lexington, approved 1798, and amended in 1840.

An act to tax Exchange Brokers.

With an amendment to the last named bill.

That they had passed bills of the following titles, viz:

An act for the benefit of Benedict Joseph Flaget.

An act supplemental to the act establishing the county of Letcher, and regulating the terms of the Perry Circuit Court, and to establish an election precinct in McCracken county.

Mr. Craddock, from the committee on Claims, reported a bill for the benefit of Peter Jett—which was read the first time.

And the question being taken on reading said bill a second time, it was decided in the negative; and so the said bill was rejected.

A bill from the Senate, entitled, an act supplemental to the act establish-

lishing the county of Perry, and regulating the terms of the Perry Circuit Court, and to establish an election precinct in McCracken county—was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Craddock, from the committee on Claims, to whom was referred a bill for the benefit of David Morris—reported the same, with an amendment.

And the question being taken on concurring in said amendment, it was decided in the negative.

The question was then taken on engrossing and reading said bill a third time, and it was decided in the negative; and so the said bill was rejected.

A message was received from the Senate announcing that they had adopted resolutions concerning unsettled claims for work done on Internal Improvements.

The said resolutions were then twice read and concurred in.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had approved and signed enrolled bills and resolutions which originated in this House of the following titles, viz:

An act to amend an act further to regulate the Shelby and Franklin turnpike, and for other purposes.

An act for the benefit of William Newton, late Sheriff of Daviess county.

An act for the benefit of Thomas J. Nolen.

An act for the benefit of John McDonald.

An act for the benefit of the Versailles Artillery Company, and for other purposes.

An act to regulate the prices of the Public Printing.

An act for the benefit of Jacob Rizer, and others.

An act to allow an additional Constable to the counties of Oldham and Nelson.

An act for the benefit of Francis Graves.

An act for the benefit of William P. C. Caldwell, of Caldwell county.

An act for the benefit of the 15th Regiment of Kentucky Militia.

Preamble and resolution in relation to the navigation of the Western Waters.

Preamble and resolution in relation to the establishment of an Armory in the West.

Approved March 2, 1842.

Mr. Munday moved a re-consideration of the vote refusing to read a third time the bill from the Senate, entitled, an act to provide for the payment of the debt already due to contractors on the public works, and for the further prosecution of the system of Internal Improvement in the State of Kentucky.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Browder and Thompson, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,
Messrs. Barbour,
Basye,
Biggs,
Botts,
Brawner,
Brown, J. S.
Brown, T. D.
Bullock, W. F.
Carlisle,
Carpenter,
Chambers,
Chowning,
Chrisman, G. T.
Clarke,
Coombs,
Cox,
Craddock,
Cummins,
Fible,
Fletcher,
Flournoy,
Forman,
Garnett,
Gholson,
Gilliam,
Graham,
Holbrook,
Innes,
Ireland,
Jefferson,
Johnson, R. M.
Kennedy, J.
Kinkead,
Lewis,
Marshall, W. C.
McCann,
Morin,
Munday,
Nuttall,
Owsley,
Rouse,
Sanders,
Skiles,
Smith, J. Speed
Swope,
Thomasson,
Triplett,
Todd,
Vance,
Vawter,
Whaley,
White, D.
Wickliffe, R.
Wickliffe, R. L.
Wolfe,
Young—57.

Those who voted in the negative, were—

Messrs. Barnett,
Bowman,
Bramlette,
Brien,
Browder,
Bullock, E. I.
Busby,
Chism,
Chrisman, M. T.
Conklin,
Conway,
Cornish,
Drake,
Gaines,
Hays,
Johnson, D. B.
Kennedy, W.
Lykins,
Marshall, W. N.
McKee,
Martin,
Morgan,
Noe,
Paxton,
Petree,
Rumsey,
Smither,
Stone,
Thompson,
Wakefield,
Wand,
Weir,
Welch,
White, J.
Wortham—35.

Mr. J. Speed Smith then moved a re-consideration of the vote adopting the amendment proposed by Mr. Garnett.

And the question being taken thereon, it was decided in the affirmative.

The question was then taken on the adoption of the amendment of Mr. Garnett, and decided in the negative.

The yeas and nays being required thereon by Messrs. Drake and J. S. Brown, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Brawner,	Garnett,	Sanders,
Browder,	Gholson,	Smith, B.
Brown, J. S.	Innes,	Smither,
Bullock, E. I.	Johnson, D. B.	Stone,
Busby,	Lewis,	Swope,
Carpenter,	Lykins,	Thompson,
Chambers,	McKee,	Todd,
Chism,	Martin,	Vance,
Chrisman, M. T.	Noe,	Wand,
Coombs,	Nuttall,	Weir,
Conklin,	Owsley,	Welch,
Cummins,	Paxton	White, J.
Drake,	Rouse,	Wickliffe, R. L.41
Gaines,	Rumsey,	

Those who voted in the negative, were—

Mr. Speaker,	Craddock,	McCann,
Messrs. Barbour,	Fible,	Morgan,
Barnett,	Fletcher,	Morin,
Basye,	Flournoy,	Munday,
Biggs,	Forman,	Petree,
Botts,	Gilliam,	Skiles,
Bowman,	Graham,	Smith, J. Speed
Bramlette,	Hays,	Thomasson,
Brien,	Holbrook,	Triplett,
Brown, T. D.	Ireland,	Vawter,
Bullock, W. F.	Jefferson,	Wakefield,
Carlisle,	Johnson, R. M.	Whaley,
Chowning,	Kennedy, J.	White, D.
Chrisman, G. T.	Kennedy, W.	Wickliffe, R.
Clarke,	Kinkead,	Wolfe,
Conway,	Marshall, W. C.	Wortham,
Cornish,	Marshall, W. N.	Young—52.
Cox,		

Mr. J. Speed Smith then moved a re-consideration of the vote adopting the amendment proposed by Mr. Clarke.

And the question being taken thereon, it was decided in the affirmative.

The question was then taken on the adoption of the amendment of Mr. Clarke, and decided in the negative.

Mr. J. Speed Smith then moved a re-consideration of the vote adopting the amenement proposed by Mr. Todd.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Clarke and Hays, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Fletcher,	Petree,
Messrs. Barnett,	Flournoy,	Rumsey,
Botts,	Garnett,	Sanders,
Brien,	Gholson,	Skiles,
Browder,	Gilliam,	Smith, B.
Brown, J. S.	Graham,	Stone,
Busby,	Hays,	Thompson,
Carpenter,	Ireland,	Wakefield,
Chrisman, G. T.	Johnson, D. B.	Wand,
Clarke,	Kennedy, W.	Weir,
Coombs,	Lykins,	Welch,
Conklin,	Martin,	White, D.
Conway,	Morgan,	White, J.
Cornish,	Noe,	Wickliffe, R. L.
Cummins,	Paxton,	Young—45.

Those who voted in the negative, were—

Messrs. Barbour,	Drake,	Munday,
Basye,	Fible,	Nuttall,
Biggs,	Forman,	Owsley,
Bowman,	Gaines,	Rouse,
Bramlette,	Holbrook,	Smith, J. Speed
Brawner,	Innes,	Smither,
Brown, T. D.	Jefferson,	Swope,
Bullock, E. I.	Johnson, R. M.	Thomasson,
Bullock, W. F.	Kennedy, J.	Triplett,
Carlisle,	Kinkead,	Todd,
Chambers,	Lewis,	Vance,
Chism,	Marshall, W. C.	Vawter,
Chowning,	Marshall, W. N.	Whaley,
Chrisman, M. T.	McCann,	Wickliffe, R.
Cox,	McKee,	Wolfe,
Craddock,	Morin,	Wortham—48.

Mr. W. C. Marshall then moved the previous question.

The question was then taken—Shall the main question be now put? and it was decided in the affirmative.

The main question was then put—Shall the bill, as amended, be read a third time? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. E. I. Bullock and Nuttall, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Flournoy,	Munday,
Messrs. Basye,	Forman,	Nuttall,
Biggs,	Garnett,	Owsley,
Botts,	Gholson,	Rouse,
Brawner,	Gilliam,	Sanders,

Brown, J. S.	Holbrook,	Skiles,
Brown, T. D.	Innes,	Smith, J. Speed
Bullock, W. F.	Ireland,	Swope,
Carlisle,	Jefferson,	Thomasson,
Chambers,	Johnson, R. M.	Triplett,
Chowning,	Kennedy, J.	Todd,
Chrisman, G. T.	Kinkead,	Vance,
Clarke,	Kirtley,	Vawter,
Coombs,	Marshall, W. C.	Whaley,
Cox,	McCann,	Wickliffe, R. L.
Craddock,	Morin,	Wolfe—49.
Fible,		

Those who voted in the negative, were—

Messrs. Barbour,	Drake,	Petree,
Barnett,	Fletcher,	Rumsey,
Bowman,	Gaines,	Smith, B.
Bramlette,	Graham,	Smither,
Brien,	Hays,	Stone,
Browder,	Johnson, D. B.	Thompson,
Bullock, E. I.	Kennedy, W.	Wakefield,
Busby,	Lewis,	Wand,
Carpenter,	Lykins,	Weir,
Chism,	Marshall, W. N.	Welch,
Chrisman, M. T.	McKee,	White, D.
Conklin,	Martin,	White, J.
Conway,	Morgan,	Wortham,
Cornish,	Noe,	Young—44.
Cummins,	Paxton,	

Mr. W. C. Marshall then moved that said bill have its third reading on this day.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McKee and Hays were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Craddock,	Munday,
Messrs. Basye,	Fible,	Nuttall,
Biggs,	Flournoy,	Owsley,
Botts,	Forman,	Petree,
Bramlette,	Garnett,	Sanders,
Brawner,	Gholson,	Skiles,
Browder,	Gilliam,	Smith, B.
Brown, J. S.	Holbrook,	Stone,
Brown, T. D.	Innes,	Swope,
Bullock, E. I.	Ireland,	Thomasson,
Bullock, W. F.	Jefferson,	Triplett,
Carlisle,	Johnson, R. M.	Todd,
Carpenter,	Kennedy, J.	Vance,

Chambers,	Kennedy, W.	Vawter,
Chowning,	Kinkead,	Wand,
Chrisman, G. T.	Kirtley,	Weir,
Clarke,	Lewis,	Whaley,
Coombs,	Marshall, W. C.	White, D.
Conklin,	Marshall, W. N.	White, J.
Conway,	McCann,	Wickliffe, R. L.
Cox,	Morin,	Wolfe—63.

Those who voted in the negative, were—

Messrs. Barbour,	Drake,	Morgan,
Barnett,	Fletcher,	Noe,
Bowman,	Gaines,	Paxton,
Brien,	Graham,	Rumsey,
Busby,	Hays,	Smither,
Chism,	Johnson, D. B.	Wakefield,
Chrisman, M. T.	Lykins,	Welch,
Cornish,	McKee,	Wortham,
Cummins,	Martin,	Young—27.

The said bill was accordingly read a third time.

Mr. Clarke then moved to amend said bill by adding thereto the following engrossed clause by way of ryder, viz:

Be it further enacted, That the further sum of $8,800 be, and the same is hereby, appropriated for the payment of work already done on the turnpike road from Bowlinggreen to the Tennessee State line, to be applied as the $5,200, herein before appropriated, is directed to be applied.

And the question being taken on the adoption thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hays and Wakefield, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Craddock,	Noe,
Messrs. Basye,	Cummins,	Nuttall,
Biggs,	Forman,	Owsley,
Botts,	Gaines,	Petree,
Bramlette,	Garnett,	Rouse,
Browder,	Gholson,	Rumsey,
Brown, J. S.	Gilliam,	Skiles,
Brown, T. D.	Innes,	Smith, J. Speed
Bullock, E. I.	Ireland,	Stone,
Busby,	Johnson, R. M.	Swope,
Carpenter,	Kennedy, J.	Triplett,
Chambers,	Kennedy, W.	Todd,
Chowning,	Kinkead,	Vance,
Chrisman, M. T.	Kirtley,	Vawter,
Clarke,	Lewis,	Wand,
Coombs,	Marshall, W. C.	Whaley,

Conklin,	McKee,	White, D.
Conway,	Martin,	Wickliffe, R.
Cornish,	Morin,	Wickliffe, R. L.
Cox,	Munday,	Young—60.

Those who voted in the negative, were—

Messrs. Barbour,	Graham,	Smith, B.
Barnett,	Hays,	Smither,
Bowman,	Holbrook,	Thomasson,
Brawner,	Jefferson,	Thompson,
Brien,	Johnson, D. B.	Wakefield,
Bullock, W. F.	Lykins,	Weir,
Carlisle,	Marshall, W. N.	Welch,
Chism,	McCann,	White, J.
Chrisman, G. T.	Morgan,	Wolfe,
Drake,	Paxton,	Wortham—32.
Fletcher,	Sanders,	

Mr. Conklin then moved to amend said bill by adding the following engrossed clause by way of ryder, viz:

Be it further enacted, That the Board of Internal Improvement be, and they are hereby, authorized, out of such funds as may be at their disposal for the year 1842, to pay over to Isaac Thomas, the Commissioner for the road leading from near the mouth of Salt river, (by way of Litchfield,) to Bowlinggreen, or his order, the sum of eleven hundred and eighty two dollars, which was appropriated to said road by an act, approved February 18, 1839.

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Conklin and Conway, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Brown, J. S.	Johnson, R. M.	Rumsey,
Brown, T. D.	Kirtley,	Smither,
Bullock, E. I.	Lykins,	Stone,
Carpenter,	McKee,	Wakefield,
Conklin,	Martin,	Wand,
Conway,	Noe,	White, D.
Gaines,	Petree,	Wortham—22.
Johnson, D. B.		

Those who voted in the negative, were—

Messrs. Barbour,	Forman,	Paxton,
Barnett,	Garnett,	Rouse,
Bayse,	Gholson,	Sanders,
Biggs,	Gilliam,	Skiles,
Bowman,	Graham,	Smith, B.
Bramlette,	Hays,	Smith, J. Speed

Brawner,	Holbrook,	Swope,
Brien,	Innes,	Thomasson,
Bullock, W. F.	Ireland,	Triplett,
Busby,	Jefferson,	Todd,
Carlisle,	Kennedy, J.	Vance,
Chism,	Kennedy, W.	Vawter,
Chowning,	Kinkead,	Weir,
Chrisman, G. T.	Lewis,	White, J.
Chrisman, M. T	Marshall, W. N.	Wickliffe, R.
Cox,	McCann,	Wickliffe, R. L.
Cummins,	Morgan,	Wolfe.
Fible,	Morin,	Young—56.
Fletcher,		
Flournoy,		

The question was then taken on the passage of said bill, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. Noe and Lykins, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Fible,	Munday,
Messrs. Basye,	Flournoy,	Nuttall,
Biggs,	Forman,	Owsley,
Botts,	Garnett,	Rouse,
Brawner,	Gholson,	Sanders,
Brown, J. S.	Holbrook,	Skiles,
Brown, T. D.	Innes,	Smith, J. Speed
Bullock, W. F.	Ireland,	Swope,
Carlisle,	Jefferson,	Thomasson,
Carpenter,	Johnson, R. M.	Triplett,
Chambers,	Kennedy, J.	Todd,
Chowning,	Kinkead,	Vance,
Chrisman, G. T.	Kirtley,	Vawter,
Clarke,	Lewis,	Whaley,
Coombs,	Marshall, W. C.	Wickliffe, R. L.
Cox,	McCann,	Wolfe—50.
Craddock,	Morin,	

Those who voted in the negative, were—

Messrs. Barbour,	Fletcher,	Petree,
Barnett,	Gaines,	Rumsey,
Bowman,	Gilliam,	Smith, B.
Bramlette,	Graham,	Smither,
Brien,	Hays,	Stone,
Browder,	Johnson, D. B.	Thompson,
Bullock, E. I.	Kennedy, W.	Wakefield,
Busby,	Lykins,	Wand,
Chism,	Marshall, W. N.	Weir,
Chrisman, M. T.	McKee,	Welch,
Conklin,	Martin,	White, D.

Conway,	Morgan,	White, J.
Cornish,	Noe,	Wortham,
Cummins,	Paxton,	Young—43.
Drake,		

Resolved, That the title of said bill be as aforesaid.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had approved and signed enrolled bills and resolutions which originated in this House of the following titles, viz:

An act to establish the county of Letcher.

An act for the benefit of the Northern Bank of Kentucky.

An act for the divorce and change of name of Amanda Skeeters and to divorce Jackson Howerton and wife.

An act to repeal all laws providing for the appointment of Constables in Henry county, and for other purposes.

An act for the benefit of William B. Moore.

An act for the benefit of the heirs of William Guyton, deceased.

An act for the benefit of S. Camron and others.

An act for the divorce and change of name of Elizabeth Pryor.

Resolutions in relation to the duties of Superintendent of Public Instruction and the printing and distributing of the School Acts.

Preamble and resolutions in relation to the duty imposed on tobacco by France and England. Approved March 3, 1842.

A message was received from the Senate announcing that they had concurred in the amendment proposed by this House to a bill from the Senate, entitled, an act to provide for the payment of the debt already due to contractors on the public works, and for the further prosecution of the system of Internal Improvement in the State of Kentucky.

A bill to provide for the payment of the contractors on the Kentucky river, was read a second time.

Ordered, That said bill be laid on the table for the present.

Mr. Flournoy, from the committee on Enrollments, reported that the committee had examined enrolled bills and resolutions, which originated in the Senate, of the following titles and had found the same truly enrolled, viz:

An act to amend an act, entitled, an act to change the time of holding the Circuit Courts in the 16th Judicial District.

An act further to define the crime of arson by a slave.

An act for the divorce of Susan Wright, and to restore her to her former name.

An act for the benefit of Pryor Sandford and wife, and for other purposes.

An act supplemental to the act establishing the county of Letcher, and regulating the terms of the Perry Circuit Court, and to establish an election precinct in McCracken county.

An act to amend the law providing compensation for Commissioners of tax.

An act authorizing the exchange of thirty year State bonds for six year State bonds.

An act to amend the law concerning depositions.

An act to amend the law exempting certain property from execution.

An act to provide for the payment of the debt already due to Contractors on the public works, and for the further prosecution of the system of Internal Improvement in the State of Kentucky.

Resolutions concerning unsettled claims for work done on Internal Improvement.

And enrolled bills which originated in this House of the following titles, viz:

An act granting a bounty on Silk Cocoons.

An act to establish an election precinct in the county of Lawrence, and for other purposes.

An act to authorize the sale of seven acres of land by the State agent for Garrard county, and appropriate the proceeds of sale.

An act for the appropriation of money.

An act to appropriate the proceeds of the sales of the public lands to the payment of the State's debt for Internal Improvement.

An act for the benefit of L. B. Stoughton.

An act to change the name of the Boone Academy, and for other purposes.

An act for the divorce of John Skillman and William Fenwick.

An act to incorporate the Trustees of the Moscow Seminary.

An act for the benefit of the German Lutheran community of Lexington.

An act to provide for the purchase and distribution of certain books to public officers.

An act concerning the tax upon forfeited lands.

An act for the benefit of John and Jacob McGlossin, Contractors on the Owingsville and Big Sandy turnpike road.

An act to amend the law in relation to keeping public roads in repair, and for other purposes.

An act appointing an Internal Improvement Treasurer for the county of Ballard, and for other purposes.

An act to amend the law establishing the Board of Internal Improvement.

An act supplemental to an act granting certain powers to the Bank of Kentucky, approved 22d February, 1842.

An act to dissolve the marriage contract between James M. Stephens and Susan Jane Stephens, and to divorce Elizabeth Swim.

An act to re-establish the town of Portland.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Flournoy inform the Senate thereof.

Mr. Garnett moved to dispense with the regular business to take up for consideration the preamble and resolutions from the Senate in relation to the resumption of specie payments by the Banks.

And the question being taken thereon, it was decided in the negative; it requiring two-thirds.

The yeas and nays being required thereon by Messrs. Fletcher and Botts, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Biggs,	Drake,	Paxton,
Botts,	Fletcher,	Petree,
Bramlette,	Gaines,	Rouse,
Brown, J. S.	Garnett,	Rumsey,
Brown, T. D.	Gholson,	Sanders,
Bullock, E. I.	Hays,	Skiles,
Carlisle,	Innes,	Smith, B.
Carpenter,	Ireland,	Swope,
Chambers,	Johnson, D. B.	Thompson,
Chism,	Johnson, R. M.	Triplett,
Chowning,	Kennedy, J.	Wakefield,
Chrisman, G. T.	Kirtley,	Wand,
Chrisman, M. T.	Lewis,	Weir,
Clarke,	McKee,	Welch,
Coombs,	Martin,	White, J.
Conklin,	Morin,	Wickliffe, R. L.
Conway,	Munday,	Wolfe,
Cornish,	Nuttall,	Young—56.
Craddock,	Owsley,	

Those who voted in the negative, were—

Mr. Speaker,	Fible,	Smith, J. Speed
Messrs. Barbour,	Flournoy,	Smither,
Barnett,	Forman,	Thomasson,
Basye,	Gilliam,	Todd,
Bowman,	Holbrook,	Vance,
Brien,	Jefferson,	Vawter,
Browder,	Kennedy, W.	Whaley,
Bullock, W. F.	Kinkead,	White, D.
Busby,	Marshall, W. N.	Wickliffe, R.
Cox,	McCann,	Wortham—31.
Cummins,		

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had approved and signed enrolled bills which originated in this House of the following titles, viz:

An act for the divorce of John Skillman and William Fenwick.

An act to change the name of the Boone Academy, and for other purposes.

An act granting a bounty on Silk Cocoons.

An act to provide for the purchase and distribution of certain books to public officers.

An act concerning the tax upon forfeited lands.

An act to appropriate the proceeds of the sales of the public lands to the payment of the State's debt for Internal Improvement.

An act for the benefit of L. B. Stoughton.

An act for the benefit of John and Jacob McGlossin, contractors on the Owingsville and Big Sandy turnpike road.

An act to amend the law in relation to keeping public roads in repair, and for other purposes.

An act supplemental to an act granting certain powers to the Bank of Kentucky, approved February 22, 1842.

An act to dissolve the marriage contract between James M. Stephens and Susan Jane Stephens, and to divorce Elizabeth Swim.

An act to incorporate the Trustees of the Moscow Seminary, and for other purposes.

An act to amend the laws establishing the Board of Internal Improvement.

An act to authorize the sale of seven acres of land by the State agent for Garrard county, and appropriate the proceeds of sale.

An act to establish an election precinct in the county of Lawrence, and for other purposes.

An act appointing an Internal Improvement Treasurer for the county of Ballard, and for other purposes.

An act for the benefit of the German Lutheran Community of Lexington.

An act for the appropriation of money.

An act to re-establish the town of Portland.

Approved March 3, 1842.

A message was received from the Senate announcing that they had received official information from the Governor that he had approved and signed enrolled bills and resolutions which originated in the Senate, of the following titles, viz:

An act to amend the law concerning depositions.

An act to amend the laws exempting certain property from execution.

An act supplemental to the act establishing the county of Letcher, and regulating the terms of the Perry Circuit Court, and to establish an election precinct in McCracken county.

An act further to define the crime of arson by a slave.

An act to amend an act, entitled, an act to change the time of holding the Circuit Courts in the 16th Judicial District.

An act for the benefit of Pryor Sandford and wife, and for other purposes.

An act for the divorce of Susan Wright, and to restore her to her former name.

An act authorizing the exchange of thirty year State bonds for six year State bonds.

An act to amend the law providing compensation for Commissioners of tax.

An act to provide for the payment of the debt already due to contractors on the public works, and for the further prosecution of the system of Internal Improvement in the State of Kentucky.

An act to regulate the town of Cadiz.

An act for the benefit of William Quisenbery.

An act concerning the Register of the Land Office.

An act for the divorce of Jefferson A. Murray.

An act to amend an act providing that the fines and forfeitures in this Commonwealth shall be a fund for the payment of Jurors.

Resolutions concerning unsettled claims for work done on Internal Improvement.

Approved March 3, 1842.

The Speaker having retired from the Chair, Mr. Skiles moved the following resolution, viz:

Resolved, That the impartial and dignified conduct of the Hon. C. S. Morehead, while presiding over the deliberations of this House, merit the highest commendation of the Representatives of the people.

Which being twice read was unanimously adopted.

The Clerk having retired from the table, Mr. Nuttall moved the following resolution, viz:

Resolved, That the thanks of this House be tendered to their Clerk, Thomas J. Helm, for the prompt and efficient manner in which he has discharged the duties of his office, as well as for his gentlemanly and urbane bearing.

Which being twice read was unanimously adopted.

A message was received from the Senate, by Mr. Payne, announcing that they had closed their legislative business, and were now ready to close their present session of the General Assembly by an adjournment on their part without day; and had appointed a committee to act in conjunction with a committee on the part of this House to wait on the Governor and inform him of the proposed adjournment of the General Assembly, and to know if he had any other communication to make.

Whereupon Messrs. J. Speed Smith, R. M. Johnson, Garnett and Vawter were appointed a committee on the part of this House.

Ordered, That Mr. J. Speed Smith inform the Senate thereof.

The committee then retired, and in a few minutes returned, when Mr. J. Speed Smith, from said committee, reported that the joint committee had performed the duty assigned them, and were informed by the Governor, that

having, from time to time, during the present session, communicated his views to the General Assembly, he had now no further communication to to make.

Whereupon the Speaker, having delivered a congratulatory and valedictory address, adjourned the House *sine die*.

INDEX

TO THE

HOUSE OF REPRESENTATIVES' JOURNAL.

☞THE FIGURES REFER TO THE PAGES.

Able, Peter and others, a bill to amend the act for the benefit of 221, 263, 339

Academies, Female, an act for the benefit of Nazareth and Loretto 430, 522, 546, 577

Academy, Boone county, petition of the Trustees of the 78
a bill to change the name of the 264, 611, 643, 659, 675, 677
Christian, petition of the Trustees of 135
a bill to repeal part of act regulating, 209, 270, 358
in Smithland, a bill to endow 258
Mt. Washington, a bill to incorporate the 417, 481, 577, 585, 610
Six Mile, a bill to incorporate the, in Shelby county, 125, 264, 339, 358
Somerset, a bill for the benefit of 85, 109, 139, 146
petition of the Trustees of 43

Accounts of Executors and Administrators, a bill to amend the law settling the 259

Action of petition and summons, an act concerning the 96, 107, 128, 342, 348

Action of replevin, an act concerning the 83, 107, 342, 411, 448, 458, 479

Acts, resolution directing the Public Printer to print the list of titles to the 647

Adair county, petition of citizens of 67, 85
John, a resolution to place a tomb over the grave of 74, 108, 110, 126, 156, 167

Adams, John Q. resolutions in relation to the censuring 376
William, petition of 197

Adjournment of General Assembly *sine die* 678
resolution rescinding the resolution for an 558, 605, 607

Advertisements, an act to authorize, in the Clarion and Critchfield's Family Library and Journal of Medical Science 223

Administrators and Executors, a bill to amend the law settling the accounts of 259
Aged persons, a bill exempting from the payment of county levies 94
Agent of the State, a bill to authorize the to sell seven acres of land in Garrard county, and dispose of the proceeds of the sale 360, 641
Agricultural Society, State, use of Hall granted to, 77
Agriculture and Manufactures, committee on appointed 52
report of committee on 225, 511, 513
resolutions instructing the committee on 91, 480
Alabama, resolutions of the Legislature of 169
Allan, Chilton, petition of and others 270
Allen and Simpson Circuit Courts—see Courts, Circuit.
Allen, Ann and Daniel Brown, petition of 110, 510
Alley, William, petition of 43, 154
Allison, Aaron, petition of 97, 464
a bill for the benefit of 157, 237, 256, 265
John S. petition of 36, 128, 382
Richard T. and John H. an act for the benefit of 441, 522, 546, 578
Alves, James, and W. H. Ingram, petition of 84
American citizens captured by Mexico, preamble and resolutions in relation to 36, 37, 61, 67, 68
Anderson, Abner H. petition of 389
Anderson county, a bill to repeal the act reducing the number of Justices of the Peace in 116
—see Sheriffs.
petition of citizens of 266, 452
Anderson, M. C. and others, an act for the benefit of 83, 107, 164, 171, 206
Appeals, Court of, a bill to repeal the law dispensing with a seal to records filed in the 217
a bill concerning 64, 141, 201, 236, 343, 354, 355, 369, 378, 380, 381, 384, 430, 434, 454
report of committee in relation to branching the 199
Appellate Court, a bill authorizing changes of venue from the to Circuit Courts in cases of probate of wills 442
Appropriation of money, a bill for the 607, 633, 634, 659, 663, 675, 677
Ardent spirits and fermented liquor, a bill to prevent the sale of to United States soldiers in this State 260
Armory, Western, resolutions in relation to, 532, 631, 662, 674
Arms, a bill more effectually to prevent slaves from carrying 93, 157
public, a bill for the benefit of all those who have executed bonds to the Commonwealth for 230, 347, 358
Armstrong, James A. petition of 66, 224
Jno. D., and Stephen Stone, petition of 88
Arnold, Wm. P., and George H. Hawl, petition of 143
Arson by a slave, an act further to define the crime of 611, 658, 674, 677
Artillery Company, an act for the benefit of the Georgetown Light 367, 384, 510, 546, 578
a bill for the benefit of the Versailles 361, 510, 637, 644, 666

Ash, William, petition of 78, 98
Assembly, General, a bill to change the time of the meeting of the 361, 422
resolution for the adjournment of the 270, 431, 454
a bill to reduce the pay of the members of 256, 363
resolution to take a recess to 1st Monday in May 368
Assessment, Court of, act to allow the 32d regiment further time to hold their 478, 522, 546, 578
of fines, a bill to change the time of the for 110th regiment 56, 91, 356
Asylum, Deaf and Dumb, annual report of the Trustees of the 118
joint resolution to examine 89
Kentucky Lunatic, a bill to amend the law concerning the 368, 496, 508
Lunatic, resolution in relation to the 79
report of the Commissioners of 84—see also Legislative Documents.
and Transylvania University, joint resolution to examine 89, 96, 108, 121, 135
committee to examine appointed 120
report of committee on 368—see Legislative Documents.
Attachments in civil cases, a bill to amend an act, entitled, an act to regulate, 64, 90, 112, 130, 216, 598
Attorneys and Counsellors at law, an act to regulate licensing of 223, 236
for the Commonwealth, a bill to provide for the appointment of 42, 45, 59, 77, 112, 140, 157, 169
Auditor, First, communication of the 71, 99, 158
annual report of the 98—see Legislative Documents.
Second, annual report of the 48—see also Legislative Documents.
an act authorizing the to sell land forfeited for taxes 631, 659

Bacon, John M. petition of 214, 510
Bailey, E., and H. J. McRoberts, petition of 382
Baker, John M. an act for the benefit of Surveyor of Cumberland county 77, 107, 121, 134
Ballard, a bill to establish the county of 267, 430, 434, 454
a bill to appoint an Internal Improvement Treasurer for the county of 481, 631, 645, 659, 665, 675, 677
a bill to improve roads and build bridges in the county of 453
Ballinger, G. E. a bill for the benefit of 64
Bank, Citizens' of Kentucky, a bill to establish the 431, 567
Newport, a bill to revive and continue in force the acts authorizing the settlement and winding up of the 418
Northern of Kentucky, a bill for the benefit of 482, 608, 643, 645, 661, 674
of the Commonwealth of Kentucky, an act to extend the charter of the 25, 35, 61
an act to reduce the salary of the President of the 529, 551, 562, 593
annual report of the President of the 136, 152
election of President and Directors of the 485

Bank of the Commonwealth, resolution to postpone the election of President and Directors of 380
of Kentucky, an act granting certain powers to the 477, 489, 491, 510, 557
an act supplemental to the act granting certain powers to the 596, 643, 659, 662, 675, 677
memorial of the President and Directors of the 126, 127
Schuylkill, at Philadelphia, preamble and resolutions in relation to the 201, 203, 204, 213
Banks, an act to allow the Independent of this Commonwealth further time to settle their concerns, 441, 522, 546, 577
a bill to restore the privileges of when they resume specie payment 378
resolutions in relation to the 416, 417
committee on appointed 52
resolutions instructing 65, 261, 362, 416, 416
resolutions in relation to 84, 85
joint resolutions in relation to the 359
report of joint committee on 359—see Legislative Documents.
resolution in relation to resumption of specie payments by the 631, 657, 676
Bankrupt law, and proceeds of the public lands, preamble and resolutions in relation to 61, 143, 150, 158, 204, 223
resolutions in relation to the repeal of the 11, 48
Baptist Church—see Church.
Barbour, J., petition of 88
Barboursville Lyceum, a bill to incorporate the 418, 482, 556, 563, 579
Barnes, E. and others, a bill to amend the act for the benefit of 221, 263, 339
Barnett, Andrew, petition of 266
a bill for the benefit of 563, 652, 665
Barnett, Elizabeth, petition of 480
Barnett, Susannah, petition of 36, 79
a bill for the benefit of 79, 90, 92, 117, 140, 146
Barren and Green river Commissioners—see Board of.
Barren county, petition of citizens of 54, 67, 85
Bates, James P. a bill for the benefit of 230, 270, 358
Bates' Salt Well to Laurel river—see Roads, State.
Bath County Court—see Courts, Circuit
Bath county—see Constables and Justices.
petition of citizens of 78, 494
—see Seriffs.
Baxter, William, an act for the benefit of 340, 405
Bayse, Elezemond, appeared and took his seat 58
appointed on committee on Banks 59
Bearden, George M. petition of 143, 224
a bill for the divorce of 403
Beargrass Baptist Church, petition of the members of the 74
Beatty, H. O. petition of 136
Beatty, William, an act for the benefit of 218, 236, 580, 621
Beazeley, Elizabeth, petition of 143

Beazley, James, a bill for the benefit of the widow and heirs of, and children of C. Chandler 596, 598, 610
Bells, a bill to prevent wagoners from using, on their horses on stage roads 418
Bell, W. W. petition of 44
a bill for the benefit of 60, 90, 112, 134, 156, 169
213
Berryman, Thomas A. petition of
Bills of Exchange, an act concerning 134, 141, 342, 448, 490, 509, 556
357
Blackaby, Catharine, petition of 58
Black, and Stiles, Rev. Messrs, use of hall tendered to 417
Blackburn, C. J. a bill for the benefit of
Blackburn, George E. a bill for the benefit of 115, 124, 126, 129, 131
168
Black, John, memorial of 348
Blair, Catharine, petition of
a bill to divorce 547, 598, 610
43, 68
Blakeman, Moses, petition of
Blankenship, John, a bill for the benefit of 419, 483, 598
Blind, a bill to establish the Kentucky Institution for the edecation of the 47, 124, 338, 354, 358
Board of Green and Barren river Commissioners, resolution to appoint a committee to settle the accounts of 218, 237, 267
committee appointed 266
Board of Internal Improvement, a bill to amend the law establishing the 163, 422, 469, 643, 660, 662, 675, 677
a bill to authorize the, to spend the funds appropriated by the act of the last session for the improvement of the Crab Orchard and Cumberland Gap turnpike road 257
annual report of the 67
—see Legislative Documents.
a report of the 372
communications of President of the 343, 415
resolutions instructing the, to reduce the tolls on rivers 435
resolutions requiring information from the 92, 133, 199, 261, 442
response of Secretary of the 113
responses of the, to resolutions 173, 175, 187, 188, 215, 216, 238, 239, 271 336, 389, 467
Board of Internal Improvement for the counties west of Tennessee river, an act to amend the act to regulate the 223, 236, 432, 457, 478
Board of Internal Improvement for the county of McCracken, a bill concerning the 258
Board of Physicians for the State of Kentucky, a bill to establish 257
Boards, local, a bill to regulate the, on turnpike roads 435, 482
Bodley, H. I. and James C. Rodes, petition of 74
a bill for the benefit of 80, 109, 139, 146
Bohannon, J. M. petition of 214

Bonds for costs, an act concerning, for non-resident suitors and certain corporations 109, 112, 153
Bonds for public arms, a bill for the benefit of all those who have executed 230, 347, 358
Bonds of the Commonwealth of Ky. a bill more effectually to provide for the payment of the 93
Bonds, State, a bill authorizing the reduction of the, hereafter to be issued for Internal Improvement purposes 257, 365
an act to change the 30 year for the 6 year 637, 658, 675, 678
Books, a bill to amend the act providing for the preservation and distribution of the public law 259
a bill authorizing the purchase and distribution of certain, to public officers 640, 665, 675, 677
Boone county Academy—see Academy.
Boon county, petition of citizens of 479
Botts, William S. appeared and took his seat 42
Bourbon county, Election Precincts in—see Election Precincts.
Bowling, Amelia, petition of 168, 224
Bowlinggreen, a bill the better to regulate and define the powers of the Chairman and Trustees of the town of 362
Bowman, William, petition of 348
Boyle, a bill to establish the county of 231, 268, 441, 454
Bracken county, a bill to amend the road laws in 417, 481
Bracken county—see Justices.
Bradley, William, an act for the benefit of 74, 107, 154, 170, 206
Brame, Elizabeth, petition of 214, 410
a bill to divorce 478, 521, 562, 578
Brame, Robert S. petition of 214
a bill to divorce 412, 478, 521, 562, 578
Bransford, William H. petition of 36
a bill for the benefit of 55, 75, 112, 172, 336
Breaches of the peace, a bill authorizing Town Marshals to execute process within the limits of the county on offenders for, committed in their towns 361
Breaches of the peace and riots, a bill more effectually to prevent 47, 216
a bill more effectually to prevent and provide for paying jurors in cases of, before Justices 71
Breathitt, a bill to extend the Constable's district in the town of 258
Breathitt county, petition of citizens of 110, 197
—see Sheriffs.
Breckinridge county—see Constables.
Breckinridge Seminary, an act to amend act for benefit of 491, 551, 559
Breeding, Elisha, petition of 127
a bill to legalize the marriage of, and Belinda Stamper 157, 172, 208, 217
Bridge across Pittman's creek, a bill to amend the act appropriating 6,000 acres of land to build a 257, 365, 381, 421, 432
Salt river, a bill to incorporate a company to build a 257
on Eagle creek, a bill to aid the counties of Owen, Carroll and Gallatin to build a 64

Brockman, John, petition of 53, 153
Brockway, Mary S. petition of 78
a bill to divorce 412, 477, 480, 494
Bright, Noah, petition of 456, 665
Brokers and Foreign Insurance offices, a bill to compel to obtain license 360
Brokers, Exchange, a bill to tax 641, 665
Brown and Morehead's Digest—see Digest
Brown, Daniel, and Ann Allen, petition of 110, 510
Brown, Daniel, and O. E. Wilhoit, a bill for the benefit of 481
Brown, Henry O. an act for the benefit of 131, 141, 510, 546, 578
Brown, William, petition of 88, 665
Bryant, James G. a bill for the benefit of the heirs of 93
Bryantsville, an act to enlarge the limits of the town of 577, 585, 621
Bullitt Circuit Court—see Courts, Circuit.
Bullitt county, petition of citizens of 43, 44, 53, 266
—see Sheriffs.
Burkhead, Nancy, and James Lashbrook, a bill to legalize the marriage of 259, 412, 478, 521, 562, 579
Burnam, Alexander, petition of 126
a bill for the benefit of 157, 172, 204, 208, 217
Bush, George W. an act for the benefit of, and others 347, 448, 510, 546, 578
Bush, John S. act for the benefit of 134, 141, 350, 447, 448, 458, 478
Butler county, petition of citizens of 78, 128
Butler, Douglas, petition of 367, 402
Byers, James, jr. a bill for the benefit of 456, 481, 556, 562, 579

Cadiz, an act to regulate the town of 238, 343, 624, 661, 678
Caldwell county—see School Districts.
Caldwell, William P. C. a bill for the benefit of 596, 637, 644, 666
Calhoon, John, nominated for Speaker 5—votes for 6, 7
resignation of 89
Calloway county, petition of citizens of 44, 135, 238, 657
remonstrance of citizens of 44, 126, 494
—see Sheriffs.
Campbell, Allen, petition of 97, 225
Campbell county, a bill to allow the Judge of the 2d Judicial District to hold a special chancery term in 93, 116, 131, 141, 157, 169
—see Roads and Sheriffs.
petition of citizens of 529
Campbell, William P. petition of 123
Camron, Stephen, and others, petition of 223, 510
a bill for the benefit of 612, 652, 661, 674
Canal Company, a bill to amend the charter of the Louisville and Portland 64, 75, 112, 134, 141, 156, 169
Canterbury, Reuben, petition of the infant heirs of 54, 138
Canton, petition of the citizens of the town of 54
a bill vacating certain lots in the town of 267, 347, 358
Capital punishment, a bill to change the mode of, in the State of Ky. 71, 263, 640
Cardwell, Maria C. petition of 43, 121, 122

Cardwell, William C. petition of 74, 121, 122
Carlisle, John, a bill for the benefit of 57, 124
Carpenter, Jacob, petition of 135, 166
Carr, Enos Miles, petition of 44, 154
Carroll county, a bill to change in part the roads in 116
memorial and petition of citizens of 84, 131, 409
—see Sheriffs.
Carroll, Gallatin and Owen counties, a bill to aid the, in building a bridge across Eagle creek 64
Carter county—see Sheriffs.
Carter, Greenup and Lawrence counties, a bill to survey and mark the line between 116, 263, 347, 405
Cases, civil—see Civil Cases and Attachments.
Casey Circuit Court—see Courts, Circuit.
Castigan, William, petition of 66
Castleman, Jacob and John Hall, an act for the benefit of 340, 405, 421, 442
Cates, O. G. elected President of Commonwealth's Bank 485
Certificates and plats, an act extending the time of receiving and registering head-right 491, 522, 546, 577
Chambers, F. T. added to committee on Banks 85
Chancery term, a bill to allow the Clerk of the 2d Judicial District to hold a, in Campbell county 93, 116, 131, 141, 157, 169
Chandler, Claiborne, a bill for the benefit of the infant children of, and widow and heirs of J. Beazley 596, 598, 610
Changes of venue, an act to amend the law concerning 529, 551, 562, 593
Chinowith, Miles H., and Isaac C. petition of 389
Chipley, Stephen, a bill for the benefit of 93, 129, 137
Chism, James T. petition of 98, 143
Chism, Larkin, petition of 456, 665
Christian Academy, petition of the Trustees of the 135
a bill to repeal part of act regulating 209, 358
County Court—see Courts, County.
petition of citizens of the 23d school district in 340, 415
—see Sheriffs.
Christian, Todd and Logan turnpike company, petition of the 97
Church, Beargrass Baptist, petition of members of the 74
a bill for the benefit of 221, 270, 358
Christian, in Butler county, petition of the 360
Covington Methodist Episcopal, an act to incorporate the 340, 405, 607, 624, 644
Grace, in Hopkinsville, a bill for benefit of the 481, 556, 563, 579
Hardinsburg Methodist Episcopal and Masonic Hall, a bill to incorporate 259, 365, 388, 405, 420, 433
Lancaster Presbyterian, a bill to incorporate the Trustees of the 64, 124, 213, 236, 336
Lexington Methodist Episcopal, petition of the Trustees of the 83, 91, 117, 140, 146
Louisville Second Presbyterian, a bill for the benefit of the 65, 75, 94, 134, 156, 169
Middletown Methodist Episcopal, petition of the members of the 198, 402

Church Methodist Episcopal in Fleming, a bill to allow the, to sell Locust Meeting house and lands 360, 423, 452, 457, 466
Midway, a bill for the benefit of the Trustees of the 384
Mountsterling Methodist E. a bill to incorporate the Parsonage of the 64, 347, 448, 457, 478
Newport Methodist E. a bill for the benefit of the 70, 91, 117, 139, 145
Paducah Baptist, a bill to incorporate the 258, 412, 452, 457, 466
Paducah Methodist E. a bill to incorporate the 258, 412, 452, 457, 466
Richwood Presbyterian, a bill for the benefit of the 93, 116, 131, 139, 145
Chute, Rackcoon, a bill for the improvement of 482
Citizens' Bank of Kentucky, a bill to establish the 431, 567
Civil cases, a bill to amend an act, entitled, an act to regulate attachments in 64, 216, 598
an act further to regulate proceedings in 143, 208
Civil proceedings, a bill to amend the laws in 361
Claims, committee on, appointed 50
of certain Contractors, a bill to provide for the settlement of 433, 443
unsettled for work done on Int. Imp. resolutions in relation to 666, 675, 678
Clarion, an act to authorize advertisements in 223, 236
Clarke County Court—see Courts, County.
Clark, George R. H. petition of 36, 111
Clark, Joseph, nominated for Dook Keeper 8
votes for 8, 9, 10, 37, 38, 39
Clarksville and Russellville Turnpike Company, a bill to amend the act to incorporate the 94, 482, 556, 562, 579
Claybrook, Thomas W. petition of 66, 90
Clay county—see Election Precincts and Sheriffs
petition of citizens of 110
remonstrance of citizens of 214
Clay, Hon. Henry, communication of, resigning his seat in the U. S. Senate 550
Claysville, in Hardin county, petition of citizens of 168
Clay Village Seminary, an act to incorporate 159, 204, 267
Clerk, Assistant appointed 35
elected 8
Clerks, a bill to impose penalties on, and others, for removing public law books from Clerks' offices 361
Clerks of County Courts, a bill requiring persons who fail to list property with the Commissioners of tax, to list the same with 381, 523, 621
a bill to prohibit from practicing law in the counties in which they reside 361
Clerks of Courts, a bill to repeal an act, entitled, an act to amend the law requiring, to make out complete records in certain cases 116

Clerks—of Allen County Court, a bill for the benefit of the 480
of Floyd Circuit Court, act for the benefit of 357, 478
of Fleming County Court, a bill for the benefit of the 260, 365, 381, 421, 433
of Gallatin, a bill for the benefit of 93
of Garrard and Hart Circuit and County Courts a bill for the benefit of the 417, 482, 529
of Marion and Washington Circuit Courts, an act for the benefit of the 109, 112
of Owen County Court, a bill for the benefit of the 361, 481, 556, 562, 579
of Whitley Circuit Court, a bill for the benefit of the 64, 87
of Woodford County Court, an act authorizing the, to make cross indexes 504, 551, 561
Clinton and Russell counties, a bill to change the line between 563, 564
Clock Pedlers, a bill further to regulate the licensing of 418
Clore, Lucinda, petition of 42
a bill to divorce 124, 142, 157, 169
Cocoons, silk, a bill granting a bounty on 226, 637, 665, 675, 677
Coffer, Polly, petition of 74
a bill for the benefit of 106, 126, 139, 145
Collection of fee bills, an act to amend the law in relation to 491
Collectors, a bill to regulate the mode of settling with, and the collection of county levies 256
College, Henderson, a bill to incorporate the Trustees of 257, 378, 455, 480
Coleman, Eliza B. petition of 414
Commercial and Pilots' Insurance Company, an act to incorporate the 238, 343, 453, 466, 504
Commissioners appointed to superintend the additions to the Auditor and Treasurer's offices, report of the 153
Commissioners' deeds, an act for the recording of, in the County Court Clerks' offices 96, 107, 128, 142, 159, 170, 206
Commissioners of Green and Barren river, a bill allowing compensation to the 596
a resolution to appoint a committee to settle the accounts of the Board of 218, 237, 267, 340, 547, 578
committee appointed 266
report of committee on 596—see Documents.
Commissioners, Green river, resolutions in relation to settlement of the accounts of the 521
Commissioners of tax, a bill to amend the law in relation to the compensation of 259, 423
a bill requiring those who fail to list their property with, to list the same with the County Court Clerk 381, 523
a bill to prohibit Justices of the Peace from acting as 71
a bill prescribing additional duties to the 513, 523
an act to amend the law providing compensation for 647, 658, 675, 678

Commissioners of the Lunatic Asylum, report of the 84
—see Legislative Documents.
Sinking Fund, annual report of the 166
—see Legislative Documents.
to take depositions, a bill to appoint, in the several States in this Union 259
Committees, Standing—on Agriculture and Manufactures, appointed 52
on Banks 52
on Claims 50
on Courts of Justice 50
on Education 51
on Enrollments 35
on Expenditures of the Board Int. Imp. 51
on Internal Improvement 50—report of 160
on Library 52
on Military Affairs 51
on Penitentiary 51
on Privileges and Elections 49
on Propositions and Grievances 49
on Public Offices 52
on Public Printing 216
on Religion 50
on Sinking Fund 52—report of 164
on Ways and Means 50
Committees, Standing, resolution requiring them to report 65
Common School law, a bill to amend the 116
Common Schools, a bill to amend an act, entitled, an act to establish a system of 63, 258
an act to amend the several acts establishing 223, 236, 454, 458, 464, 494, 505, 607, 624, 644
annual report of the Superintendent of 96
—see Legislative Documents.
resolutions requiring Superintendent of, to report 639
in Franklin county, a bill for the benefit of the 441, 522, 546, 578
Commonwealth's Attorneys, a bill to provide for the appointment of 42, 45, 59, 77, 112, 140, 157, 169
Commonwealth's Bank act to reduce salary of President of the 529
Commonwealth of Kentucky, a bill more effectually to provide payment of the bonds of the 93
an act to extend the charter of the Bank of the 35, 61
annual report of the President of the Bank of the 136
Compensation for slaves executed, a bill to amend the law allowing 94
Compton, James M. petition of 118, 220, 360
Conference, an act for the benefit of the Preachers' Aid Society of the Kentucky 388, 447, 455
Conn, John F. petition of 220
Constables, a bill to amend the law in relation to 64, 259, 419
acts &c. in relation to—
in Bath 70, 91, 117, 129, 139, 145

Constables, acts &c. in relation to—
in Breckinridge 70
in Henry 257, 612, 643, 662, 674
in Lawrence 430, 522, 546, 577
in Nicholas 213, 236, 339
in Oldham and Nelson 482, 611, 637, 644, 666
in Pendleton 362, 424, 452, 458, 466
in Spencer and Muhlenburg 340, 405, 421, 442
in Spencer 347, 448, 490, 510, 557
in Todd 424, 441, 457, 466
in Wayne 365, 371, 421, 433
in Whitley 94
Constable and County Surveyor, a bill to declare the offices of, and Sheriff and County Surveyor, incompatible 64, 128, 142, 157, 169
Constables and Justices to certain counties, a bill to allow 237, 359, 367
Constables' districts, acts, &c. in relation to—
in Breathitt 258, 366, 381, 421, 433
in Hardin 418
in Monticello 259, 365, 371, 421, 433
in Wayne 259, 365, 371, 421, 433
Constitution of the U. States, resolutions in relation to amendments to the 49, 58, 222, 231, 233, 504, 554, 584, 593
Contractors, a bill to provide for the settlement of the claims of certain 433, 443
on Kentucky river, a bill to provide for the payment of 641
and laborers on works of Int. Imp. a bill for the benefit of the 70, 91, 455
on the Crab Orchard and Cumberland Gap turnpike, a bill for the benefit of 444
on the Glasgow and Scottsville turnpike, petition of the 118
on Louisville and Elizabethtown turnpike, petition of the 197
on the public works, a bill for the payment of the, for work already done 637, 653
on works of Internal Improvement, a bill to provide for the debt now due the, &c. 404
a bill to provide for the payment of, and further prosecution of Int. Imp. 592, 599, 614, 625, 647, 666, 674, 678
Convention, State Temperance, use of Hall granted to 77
Conveyances by husband and wife, a bill to amend the law in relation to, of estate of wife 256
Conveyance of lands sold by Sheriffs, a bill to amend the law regulating the 217, 343, 358
Cook, Matthew, a bill for the benefit of 69, 87, 139, 146
Cooper, W. and A. petition of 160
a bill for the benefit of 342, 381, 407, 441
Cornwell, Nancy and James Ransdell, an act legalizing the marriage of 521, 562, 579
Corporations, certain, an act concerning bonds for costs by and non-resident suitors 109, 112 153,
Coroner and Surveyor of Greenup county, a bill to allow the to renew their official bonds, 93, 263, 339, 358

Costs, an act concerning bonds for by non-resident suitors and certain corporations 109, 112, 153, 160, 402
Cotton, Catharine, petition of
a bill for the benefit of and infant heir of R. Cotton 424, 454, 480, 493
Counsellors and Attorneys at law, an act further to regulate the licensing of 223, 236
County Court Clerks, an act requiring persons who fail to list their property with Commissioners of Tax, to list the same with the 381, 523, 621
County levies, a bill to regulate the collection of and the mode of settling with collectors, 256
County line between Carter, Greenup and Lawrence, a bill to survey and mark the 116, 263, 347, 405
Court, Appellate, a bill authorizing changes of venue from to the Circuit Courts in cases of probate of wills 443
Court, General, a bill authorizing the taking of depositions in certain cases in 263
a bill providing for the payment of Jurors in the 419
Court of Appeals, a bill concerning the 64, 141, 201, 236, 343, 354, 355, 369, 378, 380, 381, 384, 430, 434, 454
report of committee in relation to branching the 199
a bill to repeal the law dispensing with a seal to records filed in the 217, 237
Court of Assessment, an act to allow the 32d regiment further time to hold their 478, 546, 578
Courts, a bill to prohibit the officers of from becoming securities in certain bonds 360
Courts, Circuit and County, a bill to preserve the records of and further to guard against loss of original papers by fire 640
a bill to preserve the records of the and to guard against loss of papers filed in the offices of the 256
a bill to change the time of certain 458, 491, 509, 532
Garrard and Hart, a bill for the benefit of the Clerks of the 417, 482, 529, 584, 593
Simpson and Allen, a bill to change the times of the 424, 478, 509, 532
Court of Assessment—see Assessment and Fines.
Courts, Circuit, a bill to change the terms of the in the 17th judicial district 94, 365, 430, 521, 610
a bill to regulate the in the 9th judicial district 256, 563, 598, 610
a bill to amend the law requiring Justices of the Peace to report to the concerning fines and forfeitures 48, 263
a bill authorizing changes of venue from the Appellate Court to in cases of probate of wills, 443

Courts, Circuit, an act to amend the act changing the time of the in the 16th judicial district 637, 658, 674, 677
Allen and Simpson, a bill to change the time of the 377
Bath, a bill to regulate the terms of the 129, 142, 157, 169
Bullitt, a bill to authorize the summoning of grand and petit jurors for the April term of the 47
Campbell, an act to abolish the July term of the for 1842 491, 551
Casey, a bill to change the time of the 418
Estill, an act to change the May and November terms of the 73, 128, 156, 167, 358
Fayette, Scott and Owen, an act further to regulate the 78, 81, 208
Floyd, an act for the benefit of the late Clerk of the 357, 478
Green, a bill to change the August term of the 93, 263, 339, 343, 358
Hardin, an act to give an additional term to the 367, 522, 567, 584, 599
Jefferson, a bill to extend the terms of the 564, 585, 599
an act to regulate the terms of the 77, 107, 121, 134
an act to change the terms of the 143, 158, 166, 170, 206
Knox, a bill to change the time of holding the 93
Marion, an act to change the July and October terms of the 134, 141
Mercer, a bill to change the time of the 256
Nicholas, an act to extend the terms of the 73, 106, 128, 156, 167
Perry, a bill to regulate the terms of 665, 666, 674, 677
Rockcastle, a bill to change the time of the 259, 563, 598, 610
Union, a bill to extend the terms of the 94, 217, 238, 336
Washington and Marion, an act for the benefit of the Clerks of the 109, 112, 154, 170, 206
Whitley, a bill for the relief of G. L. Ballinger the Clerk of the 64, 69, 87, 139, 146
Courts, County, a bill to amend the act authorizing the several to permit gates to be erected on public roads 94, 157, 172, 208, 217
a bill to amend the law requiring Justices to report to the in relation to fines and forfeitures 48, 263
a bill regulating proceedings in the 257, 418
a bill to amend an act, entitled, an act directing to appoint patrolls 56
a bill to restrict the in allowing claims against counties 259, 423
a bill authorizing the to open roads to and from locks and dams on the rivers of this Commonwealth 361

Courts, County, a bill prohibiting the Clerks of from practising law in the counties in which they reside 361
a bill to amend the law in relation to, 257
a bill in relation to and for other purposes 258
Allen, a bill for the benefit of the Clerk of the 480
Campbell, a bill authorizing the to sell property, 499, 563, 598, 610
Christian, a bill to repeal act increasing the powers of the 259, 365, 381, 405, 420, 432
Clarke, an act amending the act authorizing the to appoint a Treasurer 60, 106, 403, 441, 447, 455
Daviess, a bill authorizing the to change a State road 116, 264, 441, 457, 466
Estill, an act to alter the terms of the 358
Fayette, memorial of the 88
Fleming, a bill for the benefit of the Clerk of the 260, 365, 381, 421, 433
Floyd, a bill to allow the to change a road 443, 478, 480, 494
Gallatin, a bill for the benefit of the Clerk of the 93
Garrard, a bill for the benefit of the Clerk of the 256, 342, 357, 421, 432
Graves, petition of the 357
Green, a bill to change time of holding 360
Henderson, a bill to allow the to change a street in town of Henderson 91, 117, 139, 145
Henry, petition of Justices of the 135
Hickman, a bill to allow the to appoint overseers of the poor 69, 87, 139, 146
Hopkins, a bill to allow to lay their levy at their May term 111, 131, 138, 145
Hopkins, petition of Justices of the 66
Kenton, a bill to authorize the to appoint Commissioners to convey lots in town of Independence, 257, 525, 621
Knox, a bill to change the time of holding the 482, 556, 562, 579
Morgan, an act to allow the to change a road 347, 451, 490, 510, 557
Owen, a bill for the benefit of the Clerk of 361, 481, 556, 562, 579
Pendleton, a bill to amend the act authorizing the to appoint a Treasurer, 419, 482, 556, 563, 579
Russell, a bill allowing the to appoint overseers of the poor, 69, 87, 139, 146
Trimble, a bill to change time of holding the 366, 441, 457, 466
Trimble, petition of Justices of the 266
Wayne, a bill for the benefit of 166, 206, 236, 336
Wayne, a bill authorizing to appoint overseers of the poor, 65, 69, 87, 139, 146

Courts, County, Wayne, petition of Justices of the 110
Whitley, a bill to repeal act authorizing the to open a road from Williamsburg to the falls of Cumberland, 481
Woodford, an act authorizing the Clerk of to make cross indexes, &c. 504, 551, 561, 593
Courts of Justice, committee on appointed 50
resolutions instructing, 45, 47, 48, 56, 57, 63, 65, 68, 92, 116, 123, 359, 362, 419, 456
Covington, an act to amend act to incorporate the city of 504, 551, 561, 593
petition or memorial of citizens and teachers of 223
Methodist Episcopal Church—see Church.
Cowan, Martha, petition of 54, 90
Crab Orchard and Cumberland Gap turnpike—see Board of Internal improvement.
a bill for the benefit of the contractors on the 443
a bill for the improvement of 443
Crab Orchard and Franklin turnpike—see Roads, Turnpike.
remonstrance of the Stockholders in the 214
Crab Orchard and Franklin county road—see Roads, State.
Craddock Fund, an act to invest the 223, 236, 453, 466, 504
Crawford, Henry, a bill for the benefit of and others, 80, 91, 117, 140, 146
Creighton, Ann, petition of 110, 154, 155, 221
a bill to divorce 412, 598, 610
Criswell, Harriet, petition of 97
Critchfield's Family Library and Journal of Biblical Science, an act to authorize advertisements in 223, 236
Crittenden, a bill to establish the county of, and for other purposes, 124, 213, 218, 220
an act to attach the county of to the 16th judicial district 455, 522, 546, 578
Crittenden, John J. nominated for United States Senator 586
voted for 586—elected 586
Cruice, James, a bill for the benefit of 481
Cumberland county, Surveyor of—see Surveyor.
Cumberland Hospital, annual report of the Trustees of the 114
Cundiffe, Richard, Sr. a bill for the benefit of 443, 504, 521, 562, 579
Curd, Knight B. a bill for the benefit of 413, 522, 546, 577

Dabney, Thomas, a bill for the benefit of 56
Dalton, William, an act allowing a change of venue to 134, 141, 342, 359, 367
Danville and Harrodsburg, a bill to repeal the act amendatory of the act incorporating the towns of 423, 556
an act concerning the town Marshals of 565, 584, 593
Darling, Thomas and Adam, petition of 197, 578
Davidson, James, nominated for Treasurer, 379
elected Treasurer 379
elected Director of Commonwealth's Bank 485
Davidson, Jonathan, an act to allow a change of venue to 126, 129, 209, 223, 267, 340

Daviess County Court—see Courts, County.
Daviess County, remonstrance of citizens of 136, 153, 207, 270, 348
—see Sheriffs.
Daviess, Hopkins and Henderson counties, petition of citizens of 58
Daviess, Joseph H. petition of 464
Daviess, Muhlenburg and Ohio counties, petition of citizens of 78, 533
Davis, Rebecca, a bill for the benefit of 64, 155
Dawson, Frances Ann, petition of 198
an act to divorce 582
Deaf and Dumb Asylum, annual report of the Trustees of 118
joint resolutions to examine 89, 108
Debt now due the contractors on works of Internal Improvement, a bill to provide for the paymant of &c. 404
a bill for payment of and further prosecution of Internal Improvement 592, 599, 614, 625, 647, 666, 674, 678
Debt of the State for Internal Improvement, a bill to appropriate the proceeds of the sales of the public lands, to the payment of the 165, 205, 236, 343, 454, 458, 621, 645, 659, 675 677
Debts, State, preamble and resolutions in relation to the repudiation of 68, 107, 121, 134
Deeds, an act for the recording of Commissioners' in the County Court Clerk's office 96, 107, 128, 142, 159, 170, 206
Depositions, a bill to authorize the taking of in certain cases 94
an act to amend the law concerning 647, 658, 675, 677
a bill to appoint Commissioners in the several States of this Union to take 259
a bill to amend the law regulating the taking of 418, 483
of witnesses, a bill authorizing the to be taken where they reside at a greater distance than thirty miles 258, 263
Dick's River, a bill to repeal an act in part declaring navigable, 258, 424, 452, 457, 466
Digest, Morehead & Brown's, a bill to allow to William Purdham a Justice of the Peace in Casey county 259
a bill to authorize the delivery of to certain Justices of the Peace 366, 640
Distress for rent, a bill to amend the law in relation to 361
Distributees and heirs—see Estates.
District, Judicial, a bill to allow the Judge of the 2d to hold a special chancery term in Campbell county 93
a bill to change the terms of the Circuit Courts in the seventh 94
a bill concerning the 17th 110, 112, 359, 371, 421, 430, 442, 521, 610
an act adding Spencer county to the 13th 549, 564
a bill to change the 8th and 18th in part 130
an act to attach Crittenden county to the 16th 455, 522, 546, 578
a bill to regulate the Circuit Courts in the 9th 256, 563, 598, 610
an act to amend act to change time of courts in the 16th 637, 658

Districts, school, a bill to legalize the vote in certain in Caldwell county, 56, 91, 126, 139, 145
petition of citizens of 23d in Christian, 415
Divorces, an act to amend the several acts concerning 223, 236, 263
resolutions in relation to granting 45, 216
resolutions in relation to petitions for 80
Dixon, Archibald, discharged from select committee on memorial of H. J. Eastin 338
leave of absence granted to 586
Dodd, Travis, petition of 223
Domestic Manufactures, resolutions in relation to the encouragement of 637
Doom, Benjamin, and Jonathan Simpson, an act for the benefit of 347, 448, 457, 479
Door Keeper, balloting for suspended 10
elected 40
Dowden, Edward W. a bill for the benefit of 56, 128, 142, 156, 169, 203, 237, 336
Dower in real estate and slaves, a bill to amend the law in relation to 259
Drake, Doctor, use of Hall allowed to 125
Druggists, a bill to prevent from selling poisonous drugs to slaves and minors 217, 238, 343, 358
Dry Dock and Insurance Company, petition of the Portland, 35
a bill to amend the charter of 75
Dudley, Rev. Thomas P. use of Hall granted to 132
Duelling, a bill to amend the several acts to suppress the practice of 56, 86, 117, 139, 145
Dunlap, William B. an act for the benefit of 126, 129, 153, 270, 339, 448, 457, 478
Dupeaw, Peter, a bill for the benefit of 361, 523, 592, 610
Duties of Constables—see Constables.
Duty on Tobacco, resolutions in relation to the 532, 643, 662, 674

Eagle Creek, a bill to aid the counties of Carroll, Gallatin and Owen in building a bridge on 64, 443
Eastin, Henry J. memorial of 219
Education, committee on appointed 51
resolutions instructing committee on 422
Education of the blind, a bill to establish the Kentucky Institution for the 47, 124, 338, 354, 358
Elbridge, Edmund, a bill for the benefit of the heirs of 258
Elder, George A. M. an act for the benefit of the heirs, legal representatives and securities of 347, 448, 457, 479
Election of Senators, an act to provide for when there is a tie between candidates 340, 405
Election of public officers, resolution to fix a day for the 118
Election Precincts—in Bourbon county, a bill to restrict the right of voting at the 48, 60
in Calloway and Edmonson, a bill to establish 203, 237, 336
in Clay and Perry, a bill to regulate the mode of voting at the 260

Election Precincts—in Carter, an act to establish two 371, 523, 621
in Fleming, a bill to establish, 342, 367, 420, 433
in Green, a bill to change the Green Spring, 96, 107, 123, 134, 156, 167
in Hancock county, a bill to change the Panther, 74, 107, 112, 134
in Henderson, a bill to change one, and to establish one at Steamport 63, 69, 109, 139, 146
in Lawrence, a bill to establish, 641, 665, 675, 677
in Lewis, a bill to change the Furman's Bottom in 563, 592, 610
in Lewis, a bill to change the Laurel Fork 258, 366, 381, 401
in Lewis, Knox and Shelby, a bill to change 420, 433
in Madison, a bill to change 69, 109, 139, 146
in Mason county, a bill to change the Germantown 94, 263, 339, 358
in McCracken, an act to establish, &c. 665, 666, 674, 677
in Morgan, a bill to establish, 75, 125, 139, 145
in Oldham, a bill to change the Westport, 94, 106, 126, 139, 145
Election, resolutions to issue a writ of to fill vacancy caused by resignation of John Calhoon 89
Elections, a bill to regulate, and better to secure and protect the elective franchise 47, 263
Elections and Privileges, committee on appointed 49
report of committee on 530
Elections in the county of Marshall, an act to regulate the 455, 522, 546, 578
Elective Franchise—see Elections.
a bill to protect 263
Elizabethtown and Louisville turnpike, petition of the contractors on the 197
petition of the stockholders in the 198
a bill to amend the charter of and provide for the contractors on the 423
Elrod, a bill to legitimatize several children and change their names from to Stegall 64
Elses, Jacob, petition of 53, 560
Emancipation of slaves, a bill to ameed the law in relation to the 256
Engineers, resolution in relation to dispensing with 63
Enrollments, committee on appointed, 35
Estate, personal and real, a bill preventing a sale of unless for two thirds of its value 258
Estate, real, a bill to subject to execution and to authorize the issue of *fifas* without *sciere facias* in certain cases 360
an act to amend the law concerning injuries to 109, 111, 140, 156
and slaves, a bill to amend the law in relation to dower in 259
Estates of persons dying without heirs or distributees, a bill to amend the act providing that they shall vest in the Commonwealth 64, 69, 111, 130, 207, 347, 407, 504, 509, 557

Estates of persons dying without heirs or distributees, a bill suplementary to the act to amend act &c. 417
Estill Circuit Court—see Courts, Circuit.
Estill county, remonstrance of citizens of 219
petition of citizens of 110
Exchange, an act concerning bills of 134, 141, 342, 448, 490, 509, 556
Exchange Brokers, a bill to tax 641, 665
Execution, a bill to amand the act exempting certain property from 65, 91, 144, 260, 347, 448, 658, 675, 677
a bill to regulate the sale of property under 456, 486
Execution laws, a bill to amend the of this Commonwealth 94, 366, 423
Executors and Administrators, a bill to amend the law settling the accounts of 259
Expenditures of the Board of Internal Improvement, committee on appointed 51
report of committee on the 226

Faculty, Medical of Transylvania University, memorial of the 97, 360
Faris, Vardeman, an act granting a change of venue to 452, 522, 546, 577
Farquharson and Raush, petition of 136
memerial of 557
Fayette Circuit Courts—see Courts, Circuit.
Fayette County Court, memorial of the 88
Fee bills, an act to amend the law in relation to the collection of 491, 522, 546, 577
Fees of Constables—see Constables.
Fees of Jailers, a bill to regulate the in cases of *habeas corpus*, 260
Female Academies of Nazareth and Loretto, an act for the benefit of 430, 522, 546, 577
Fenwick, William, petition of 66, 122, 127
an act for the divorce of 265, 448, 580
an act for the divorce of and others 581, 582, 659, 675, 677
Fenwick, Margaret, act to divorce 581
Field, Ezekiel H. a bill for the benefit of 361
Fieri Facias, a bill to authorize writs of to issue in certain cases, &c. 640
Fifas, a bill to authorize the issue of in certain cases, without *scire facias* and to subject real estate to execution 360
Fines, a bill to change the time for the assessment of for 110th regiment 56, 91
Fines and forfeitures, an act to amend an act providing that, shall be a fund for the payment of Jurors 238, 343, 644, 661, 678
—see Justices and Courts, Circuit.
Finnell, John W. petition of 74, 510
Fire Companies in Lexington, a bill to amend the several laws authorizing 360, 641, 665
Fisher, John E. petition of 43
a bill for the benefit of 69, 112
First Auditor—see Auditor.
Fitzworth, James, petition of 42, 60
Flaget, Benedict Joseph, an act for the benefit of 665

Fleming County Court—see Courts, County.
Fleming county, petition of citizins of 54, 67, 97, 122, 238
—see Election Precincts.
Florence, petition of citizens of the town of 348
a bill to extend the limits of the town of 563, 598, 610
Floyd Circuit Court—see Courts, Circuit.
Floyd county, petition of citizens of 143, 557
Floyd, Sarah T. petition of 348
Floyd, Sylvania, an act for the benefit of 77, 107, 144, 157, 167, 170, 206
Fonda, John, an act to allow, to adopt his nephew, John Edwin Blumenthal as his son 340, 405, 421, 442
Ford, David, and others, a bill for the benefit of 221, 342, 357, 421, 432
Ford, James, and Thomas L. Stephens, petition of 146
Ford, Nancy, a bill for the benefit of 71, 366, 452, 757, 466
Foreign Insurance Offices and Brokers, a bill to compel, to obtain license 366
Foreign wills, a bill better to provide for the recording of 63, 75, 109, 112, 154, 209, 217
Fore, Lud, an act for the benefit of 430, 522, 546, 577
Forfeited lands, a bill concerning the tax upon 641, 665, 675, 677
Foster, Jerusha, petition of 44
a bill for the divorce of 124, 167, 208, 217
Franchise, elective, a bill to regulate elections and the better to protect 47
Frankfort and Hickman, a bill for the benefit of mechanics in the towns of 404, 490, 509, 532
Franklin, a bill to authorize the sale of parts of certain streets and alleys in the town of 115, 338, 354, 358
Franklin and Crab Orchard turnpike—see Roads, Turnpike.
remonstrance of stockholders in the 214
Franklin and Scott counties, an act to establish the true line between 354, 448
Franklin and Shelby turnpike road, an act to amend an act further to regulate 611, 637, 644, 666
Franklin county, an act for the benefit of the Common Schools in 441, 522
Franklin county to Crab Orchard—see Road, State.
Fraudulent purchases, fraudulent sales and conveyances of property, a bill to amend the act the better to provide against 418
Frazer, James, an act for the benefit of, and the heirs of Asa Pittman, deceased 339, 406, 421, 442
Free negroes and mulattoes, an act in relation to 452, 527, 565
Fugate, Martin, late Sheriff of Pendleton county, a bill for the benefit of 94, 563, 598, 610
Fund, Craddock, an act to invest the 223, 453, 466, 504
Fund, Sinking—see Sinking Fund.
Funk Seminary, an act to incorporate the 347, 449, 490, 510, 557
Gaines, Edmund P. petition of 53
a bill to divorce 80
Galion, James K. a bill for the benefit of 71, 270, 358
Gallatin, Carroll and Owen counties, a bill to aid the, in building a bridge on Eagle creek 64
Gallatin County Court—see Courts, County.
Gallatin county, petitions of citizens of 198, 207

Gallihew, William O. an act to change the name of, to Wm. Rice 418, 522, 545, 677
Garnetsville, petition of citizens of 415
Garrard Circuit Court—see Courts, Circuit.
Garrard county, a bill to authorize the agent of the State to sell seven acres of land in, and dispose of proceeds of the sale 360, 641, 665, 675, 677
Garrard County and Circuit Courts—see Courts, Circuit and County.
Gas and Water Company, an act to amend the act incorporating the Louisville 206, 236, 267, 340
General Assembly, a bill to change the time of the meeting of the 361, 421
a bill to reduce the pay of members of 256, 363
resolution for the adjournment of the 270, 431, 454
resolution to rescind the resolution for adjournment of 558, 605, 607
resolution for the, to take a recess to 1st Monday in May 368
adjournment of, sine die 679
General Court—see Court, General.
Georgia, report and resolutions of the State of 244
Georgetown Light Artillery, an act for the benefit of the 367, 384, 510, 546, 578
Georgetown and Lexington Turnpike Company, memorial of the 97, 160
German Lutheran Community in Lexington, petition of 453
a bill for the benefit of the 640, 665, 675, 677
Germantown Precincts—see Election Precincts.
Gilbert, Michael, petition of 83
Glasgow and Scottville turnpike, petition of Contractors on the 118
Gooch, Martha Ann, petition of 207
Gooch, Tabitha, petition of administrator and heirs of 168
an act for the benefit of the infant heirs of 441, 523, 546, 578
Goose creek turnpike road law, a bill to amend the 94, 423, 452, 457, 466
Goslin, William, an act to change the name of, and his wife and son 213, 236
Gough, Sarah, petition of 97
a bill for the benefit of 404, 491, 521, 562, 579
Governor, committee to wait on the, appointed 11
message of the 11
documents accompaning message of the 20
resolutions in relation to message of the 73, 89
message of, in relation to Lexington and Ohio railroad 152, 197
message of, in relation to Schuylkill Bank fraud 161
message of, enclosing resolution of N. Jersey Legislature 560
message of, transmitting resolutions from the Legislature of Alabama 169
message of, enclosing resolution from Tennessee 504
message of, transmitting resolutions of the Legislature of Indiana 205
message of, covering resolutions from Tennessee Legislature 636

Governor, message of, covering report and resolutions from the Legislature of Georgia 244
message of, covering act of the Legislature of S. Carolina 534
Grand Jurors, a bill to increase the pay of 57
a bill to change the mode of selecting 116
Grant county, petition of citizens of 74, 206, 266, 545
remonstrance of citizens of 74
Graves, Benjamin F. petition of, and Thomas and Larkin C. Randall 118
Graves, Benjamin W. a bill for the benefit of 57, 69, 131
Graves, Coleman, a bill for the benefit of 93, 124, 172, 336
Graves county, petition of citizens of 357, 479
Graves, Francis, a bill for the benefit of 360, 563, 637, 644, 666
Graves, Philip, a bill for the benefit of 419
Graves, Wm. B. and Esther Ann, petition of 42, 402
a bill for the benefit of 423, 455, 480, 494
Gray, Benjamin P. a bill for the benefit of 362
Gray, Elizabeth, petition of 44, 154—an act to divorce 582
Gray, Joseph, elected Sergeant-at-Arms 8
permitted to avail himself of the services of his son as an assistant 132
Grayson county, petition of citizens of 160, 225, 442
Grayson, petition of citizens of the town of 135
Green and Barren river Commissioners—see Commissioners.
Green Circuit Court—see Courts, Circuit.
Green County Court—see Courts, County.
Green county, petition of citizens of 67, 85
—see Sheriffs and Election Precincts.
Greenbee, Polly, an act for the benefit of, and her four youngest children 339, 406, 611, 624, 643
Green, Elizabeth, petition of 98
a bill for the benefit of 404, 491, 509, 532
Green, John, Sheriff of Henderson county, a bill for the benefit of 125
Green, Lucy B. petition of 135, 224
a bill for the benefit of 259, 365, 452, 457, 466
Green river Commissioners, resolutions in relation to settlement of the accounts of the 521
Green river turnpike—see Roads.
Greenup, Carter and Lawrence counties, a bill to survey and mark the line between 116, 263, 347, 405, 421, 433
Greenup county, petition of citizens of 453
—see Justices, Surveyor and Coroner.
Greenup Iron Manufacturing Company, an act to incorporate the 367, 521, 546, 578
Greenwell, George, petition of 53, 128
Grenadiers, Lexington, a bill respecting 80, 124, 134, 156, 169
Griggs, William M. and Eleanor, an act for the benefit of 109, 112, 220, 267, 340
Griffith, Nancy, petition of 78, 155, 557
Griffith, Remus, communication of 413
Guardians, a bill to amend an act, entitled, an act to amend the laws in relation to 64, 403

Guardians and wards, non-resident, a bill to allow, to remove property from this State under certain restrictions 259
Guards and officers of the Penitentiary, a bill for the benefit of the 116, 166, 218, 336
Gudgel, Allen, a bill for the benefit of, and his deputies 258, 412, 477, 480, 494
Guthrie, R. P. petition of 96
a bill to grant a change of venue to 217
Guyton, William, a bill for the benefit of the heirs of 631, 643, 662, 674
Habeas corpus, a bill to regulate the fees of Jailers in cases of 260
Hagans, Thomas, a bill for the benefit of 65, 435, 478, 480, 494
Hager, James, petition of 126, 207
Haggard, James, nominated for Door Keeper 8
votes for 8, 9, 10, 38, 39, 40
elected Door Keeper 40
Hahn, Samuel H. and others, petition of 223
Hall, John, and Jacob Castleman, an act for the benefit of 340, 405, 421, 442
Hall, Mary, an act for the benefit of, and her children, 134, 141, 350, 447, 457, 478
Hamilton, Isham G. petition of 135, 219
Ham, J. T. and J. C. petition of 118
memorial of and R. Williams 593
Hancock county—see Election Precincts.
Hardin Circuit Court—see Courts, Circuit.
Hardin county, a bill to exempt the citizens of, who come into the turnpike from the Hardinsburg road, from paying toll 418, 482
petition of citizens of 84, 371, 379
remonstrance of citizens of 351, 456, 557
—see Constable's District
Hardinsburg Methodist E. Church—see Church.
Hardy, James G. petition of 168
an act for the benefit of 116, 230, 270, 358
Harold, Caden and Elizabeth, petition of 54, 154
Harrison county, petition of citizens of 74, 214, 402
remonstrance of citizens of 110
Harrison, Daniel H. leave of absence granted to 611
Harrodsburg, an act to authorize Joel P. Williams, and others, to sell a Church in 357
Harrodsburg and Danville, a bill to repeal an act amendatory to the act incorporating the towns of, and for other purposes 258, 423, 556
an act concerning the Town Marshals of 565, 584, 593
Harrodsburg, Lexington and Perryville Turnpike Company, an act for the benefit of the President and Managers of the 173, 204, 267, 340
Hart, Ann, petition of 54, 111
Hart, Benjamin, an act for the benefit of the widow and infant children of 213, 236, 264, 359, 367
Hart county, petition of citizens of 67, 85, 340, 415
memorial of citizens of 415

Hatcher, John and others, a bill allowing, to make changes in the road leading from Mountsterling to the Va. line 258
Havens, Coonrod, petition of 83
a bill for the benefit of 128, 142, 152, 218, 236, 336
Hawesville Seminary, an act to incorporate the Trustees of the 238, 343, 453, 466, 504
Hawke Samuel D. a bill for the benefit of 91, 126, 139, 145
Hawkins, Edmund O. an act for the benefit of 109, 112, 164, 171, 206
Hawkins, Richard W. deputy Sheriff of Carroll county, a bill for the benefit of 412, 478, 521, 562, 579
Hawl, George H. and Wm. P. Arnold, petition of 143
Haydon, Laura Maria, petition of 78
a bill for the divorce of 124, 142, 157, 169
Hays, James, appeared and took his seat 42
permitted to take his seat without taking the duelling oath 42
added to committee for Courts of Justice 89
Hays, James, and James Tapp, a bill changing the names of 85, 117, 140, 146
Haynes, Stacy, petition of 42, 60
Hazlerigg, Dillard, and Almanzor Ward, an act for the benefit of 577, 585, 621
Headright plats and certificates, an act to extend the time of receiving and registering 491, 522, 546, 577
Hecter, Frederick, petition of 348
Heirs or distributees—see Estates.
Helm, Thomas J. elected Clerk 8
thanks of House tendered to 678
Hemp, water rotted, resolutions in relation to 126, 130, 164, 172, 204, 213, 420
Henderson College, a bill to incorporate the Trustees of 257, 378, 458, 480, 494
Henderson County Court—see Courts, County.
Henderson county—see Election Precincts and Sheriffs.
Henderson, Hopkins and Daviess counties, petition of citizens of 58, 266
Henderson, Madisonville and Hopkinsville Turnpike Road Company, a bill to amend the charter of 260, 365, 381, 421, 432
Henderson, petition of the Trustees of town of 348
a bill to amend the act to reduce into one the acts regulating the town of 404, 491, 521, 562, 579
Henry county—see Courts, County.
Constables in—see Constables.
petition of citizens of 354
Henry, Juliet, an act to confirm her title to a lot in Bowlinggreen 73, 106, 140, 157, 167, 170, 206
an act for the benefit of 173, 204, 225, 267, 340
Herndon, John C. appointed Assistant Clerk 35
Herold, Dreury D. petition of, and J. B. Parsons 153
Hickman and Frankfort, a bill to protect the mechanics of the towns of 360, 404, 490, 509, 532
Hickman and McCracken counties, petition of citizens of 43, 143
Hickman County Court—see Courts, County.

Hickman county, petition of citizens of 266, 479
Hickman, John W. an act for the benefit of 265, 343
Hill, John B. petition of the widow and heirs of 133, 207
Hinkle, March, a bill for the benefit of the widow and heirs of 563, 598, 610
Historical Society, Kentucky—see Society.
Hockersmith, John, petition of 53
a bill for the benefit of 341, 347, 350, 381, 421, 433
Hodges, Albert G. nominated for Public Printer 379
votes for 379, 380—elected 380
Holbrook, Socrates, discharged from joint committee to settle accounts of Green and Barren river Commissioners 338
votes of, entered on Journal 357
Holeman, Wm. B. nominated for Door Keeper 8
votes for 9, 10, 38, 39, 40
Hopkins County Court, petition of members of 66
Hopkins, Henderson and Daviess counties, petition of citizens of 58, 266
Hopkins Seminary, an act authorizing additional Trustees to the 529, 551, 562, 593
Hopkinsville, Henderson and Madisonville Turnpike Road Co. a bill to amend the charter of the 260, 365, 381, 421, 432
Hopkinsville, petition of citizens of 454
petition of Trustees of Episcopal Church in 464
Hoskins, Presley M. petition of 36, 68
a bill for the benefit of 68, 85, 109, 140, 146
Hospital, Cumberland, annual report of the Trustees of the 114
Howard, Charles P. an act for the benefit of, and others 74, 83, 107, 127, 134, 156, 164, 167, 171, 206
Howe, Dr. use of Hall allowed to, to exhibit blind children 269
Howerton, Jackson and wife, an act to divorce 644, 661, 674
Howerton, Nancy, petition of 53, 220
Hoy, George W. a bill for the benefit of the widow and heirs of 378, 430, 434, 454
Hoy, Nancy, and Thomas J. petition of 214
Hughes, John, petition of 74, 120, 238
an act granting a change of venue to 347, 448, 453, 490, 510, 557
Hulme, John, petition of 160
a bill for the benefit of 413, 491, 566, 584, 593
Hurly, James B. petition of the widow and heirs of 479
Husband and wife, a bill to amend the law in relation to conveyances by, of estate of the wife 256
Hyatt, Mary, an act for the benefit of, and her children 388, 521, 545, 577

Importation of slaves, a bill to amend an act, entitled, an act to amend the law prohibiting the importation of, &c. 93
a bill to repeal the law prohibiting 94
a bill to amend the law prohibiting the 257, 364
Indiana, a resolution of the Legislature of the State of 205
Indians, mulattoes and slaves, an act declaring in what cases they are competent witnesses 109, 112, 129, 144, 172, 204, 208, 217
a bill repealing act respecting 369

Independence, a bill to authorize the County Court of Kenton county to appoint Commissioners to convey lots in the town of 257
petition of citizens of 347
a bill to incorporate 366, 452, 521, 562, 578
Ingham, Rowland, petition of 88, 140
Ingram, W. H. and James Alves, petition of 84
Injuries to real estate, an act to amend the law concerning 109, 111, 140, 156, 167
Inspection of tobacco, a bill to establish a, at Montezuma, in Union county 419, 482, 529, 552
an act to establish at Montezuma and Louisa 556, 562, 579
Institution, Kentucky, for the education of the blind, a bill to establish the 47, 124, 338, 354, 358
Institution, Louisville Mechanics' Savings, an act further to amend the charter of the 430, 522, 545, 577
Institute, Louisville Medical, a bill to incorporate the Physiological Temperance Society of the 361, 454, 491, 509
Instruction, Public—see Superintendent.
Insurance and Dry Dock Company, petition of the Portland 35
a bill to amend the charter of the 75
Insurance Company, an act to incorporate the Pilots' Commercial 238, 343, 453, 466, 504
Kentucky and Louisville Mutual, report of the 40
Insurance offices, a bill to compel foreign, and brokers to obtain license 360
Internal Improvement, a bill to amend the law establishing the Board of 163, 422, 469, 621, 643, 660, 662, 675, 677
a bill to appropriate the proceeds of the sales of the public lands to the payment of the States' debt for 165, 205, 236, 454, 458, 645, 659, 675, 677
an act to provide for the payment of Contractors the debt already due them, and for the further prosecution of the system of 592, 599, 614, 625, 647, 666, 674, 675, 678
a bill concerning the Board of, for McCracken county 258
an act to amend the act to regulate the Board of, for the counties west of Tennessee river 223, 236, 432, 457, 478
Board of, a bill to authorize the, to expend the funds appropriated by the act of the last session for the improvement of the Crab Orchard and Cumberland Gap turnpike road 257
annual report of the 67—see Documents.
communication of the President of the Board of 343, 415
report of the 372
resolutions instructing the, to reduce tolls on rivers 435

Internal Improvement, resolutions requiring information from the 92, 133, 160, 199, 261, 442
response of Secretary of the 113
responses of the, to resolutions 173, 175, 187, 188, 215, 216, 238, 239, 271, 336, 389, 467
committee on, appointed 50
resolutions instructing committee on 63, 65, 70, 71, 110, 256, 261, 417
report of committee on 161, 488
Internal Improvement purposes, a bill authorizing the reduction of the State bonds hereafter to be issued for 257
a bill to amend the law in relation to 360
resolutions concerning unsettled claims for work done on 666, 675, 678
works of—see Contractors.
Iron Manufacturing Company, an act to incorporate the Greenup 367, 521, 546, 578
an act to incorporate the Sandy 556, 565, 585, 599
Isbell, Fidelia, petition of 66
a bill to divorce and change the name of 80, 153, 208, 217
Isbell, Willis, petition of 84
a bill for the divorce of 157, 265, 336

Jackson, Emily, an act for the benefit of 357, 384, 580, 621
Jackson, Rezin, petition of 160
a bill for the divorce of 221, 339, 358
Jailers, a bill to regulate the fees of, in cases of *habeas corpus* 260
a bill for the benefit of the, of certain counties 447, 592, 610
a bill to require additional bond and security from 360
James, Andrew J. petition of 88, 127, 197
an act for the benefit of 340, 405, 421, 442
Jameson, Peter, petition of 126, 402
Jeans, George, petition of 382
a bill for the benefit of 423, 478, 480, 494
Jefferson Circuit Court—see Courts, Circuit.
Jefferson county, petition of citizens of 54, 529
remonstrance of citizens of 557
Jefferson, Perry, added to committee on Religion 338
Jefferson Pond Draining Company, a bill to amend the law incorporating the 418, 482, 556, 562, 579
Jett, Peter, petition of 223
a bill for the benefit of 665
Jones, Frances, petition of 67, 402
Jones, Merrett S. petition of 348
Jones, Thomas E. Sheriff of Casey county, a bill for the benefit of 70, 130
Johnson, Alexander, petition of 44
a bill for the divorce of 221, 339, 358
Johnson, Hiram, petition of 266
Johnson Leonard B. a bill for the benefit of 258, 424, 455, 480, 493
Johnson, Thomas Y. petition of 88

Johnson, Thomas Y. a bill for the benefit of 128, 134, 156, 169
Johnson, William, petition of 58
Judicial District, a bill to allow the Judge of the 2d to hold a special chancery term in Campbell county 93
a bill to change the terms of the Circuit Courts in the seventh 94
an act concerning the 17th, 110, 112, 359, 365, 371, 421, 430, 442, 521, 610
a bill to change the 8th and 18th in part 130
an act to attach the county of Crittenden to the 16th 455, 522, 546, 578
an act adding Spencer county to the 13th 549, 564, 585, 599
a bill to regulate the courts in the 9th 256, 563, 598, 610
an act to amend the act changing the time of the courts in the 16th 637, 658
Jurisdiction of Justices of the Peace—see Justices.
Jurors, a bill to provide for the payment of before Justices, and the more effectually to prevent riots and breaches of the peace 71
a bill to provide for the payment of in certain cases 418
a bill to provide for the payment of in cases of forcible entry and detainer 486
an act to amend an act providing that the fines and forfeitures of this Commonwealth shall be a fund for the payment of 238, 343, 644, 661, 678
in the General Court, a bill to provide for the payment of 419
grand, a bill to increase the pay of 57
a bill to change the mode of selecting 116
Justice, Lewis, and others, a bill for the benefit of 221, 342, 357, 421, 432
Justices of the Henry County Court—see Courts, County.
Justices of the Peace, a bill to amend the law requiring to report to County Courts in relation to fines and forfeitures 48, 263
a bill prohibiting from acting as Commissioners of Tax 71
a bill to increase the jurisdiction of 64, 124, 209, 339
a bill authorizing the delivery of Morehead and Brown's Digest to certain 336
a bill to allow additional to certain counties 581, 566, 562, 579
in Anderson county, a bill to repeal the act reducing the number of 116, 365, 381, 421, 433
in Bath, a bill to allow an additional and a Constable, 70, 91, 117, 129, 139, 145
in Bracken, a bill for the benefit of J. Stroube one of the 259
in Casey, a bill to allow a Digest to one of the 259
in Floyd, petition of the 350
in Greenup, a bill to reduce the number of 70, 91, 126, 129, 138, 145

Justices of the Peace, in Laurel, a bill to allow an additional 423, 452, 457, 466
in Mason and Wayne, a bill to allow 404, 452, 457, 466
in McCracken, a bill to reduce the number of 418
in Nicholas, an act to reduce the number of 357, 521
in Owen, a bill to allow an additional 47, 55, 67, 79, 131
in Spencer and Warren, an act to allow additional 504, 551, 562, 593
in Spencer, a bill to allow an additional 338, 347, 358
in Trimble, a bill to allow an additional 594
in Warren, a bill to allow an additional 481, 593
in Wayne, a bill to allow an additional 47, 55, 67, 79, 131
in Whitley, a bill to allow an additional 94
Justices of the Peace and Constables, a bill to allow to certain counties, 237, 359, 367

Karrick, James V. leave of absence granted to 665
Keatley, D. P. and others, an act for the benefit of 83, 107, 164, 171, 206
Keeper of the Penitentiary, annual report of the 59—see also Legislative Documents.
Kendric, A. use of Hall tendered to 368
Kenton County Court—see Courts, County.
Kenton county, petition of citizens of 43, 389
road law in, a bill to amend the 257, 478, 480, 494
Kentucky and Louisville Mutual Insurance Company, report of the 40
Kentucky, Bank of, an act granting certain powers to the 477
Kentucky Conference, an act for the benefit of the Preachers' Aid Society of 388
Kentucky Historical Society—see Society.
Kentucky Institution for the education of the blind, a bill to establish the 47, 124, 338, 354, 358
Kentucky Lunatic Asylum, a bill to amend the laws in relation to 368, 496, 508
Kentucky Militia, a bill for the benefit of the 15th regiment of 258
Kentucky river, a bill to provide for the payment of the contractors on the 641
King, Elizabeth, petition of 53, 154
King, George W. petition of 223, 411
Knight, Mary O. petition of 238
a bill for the divorce of 412, 598, 610
Knott, Mahan & Co. petition of, 348, 354, 357, 464, 578
Knox and Whitley counties, a bill to alter and amend the law ordering the line between to be surveyed 362
Knox County Court—see Courts, County.
Knox county, petition of citizens of 430
Knox, Robert, petition of 88
Kouns, George W., and others, memorial of 529

Laborers and Contractors on the works of Internal Improvement, a bill for the relief 70, 91, 455
Laborers and Mechanics, a bill for the benefit of the of this Commonwealth 70, 202, 236, 350
Ladies of Frankfort, use of Hall granted to the 49, 143
Lagrange Library Association, a bill to incorporate the 482, 577, 610
Lagrange, petition of citizens of 464
remonstrance of citizens of 464
Lambert, George M. an act for the benefit of 126, 129, 220, 267, 340
Lampton, James, petition of 494
Lancaster, a bill to incorporate the Trustees of the Presbyterian Church in 64, 124
petition of citizens of the town of 44, 74, 120
petition of Trustees of 219
a bill to authorize the Trustees of to sell alleys 350, 381, 421, 433
Land, a bill to authorize agent of the State to sell seven acres of in Garrard county, and dispose of the proceeds of sale, 360, 641, 675, 677
a bill to amend an act more effectually to protect the occupant of 47
unappropriated in Madison county, a bill to regulate and fix the value of 418, 482, 556, 563, 579
Landing to Covington and Lexington, turnpike—see Roads, State.
Land Office, an act concerning the Register of the 96, 107, 632, 661, 678
Lands, an act to amend the law which provides for the condemning of for public purposes 367, 523, 621
forfeited for non-payment of taxes, an act authorizing the Second Auditor to sell 631, 659
a bill concerning the tax upon, 641, 665, 675, 677
non-resident, an act concerning the payment of Taxes on, 134, 141, 411, 448, 458, 478
public, a bill to appropriate the proceeds of the sales of, to the payment of the State's debt for Internal Improvement 165, 205, 236, 454, 458, 621, 659, 675, 677
public and bankrupt law, preamble and resolutions in relation to the 61, 66, 143, 159, 158, 204
sold by Sheriffs, a bill to amend the law regulating the conveyance of 217, 238, 263, 358
vacant, a bill to amend an act, entitled, an act to appropriate the west of Tennessee river 57, 90, 112, 130, 142, 358
Lane, Hugh, permission given to withdraw certain papers of 108
Lane, Malinda, petition of 98
a bill for the benefit of 221, 339, 358
Langhorne, John T. an act for the benfit of the widow and heirs of, 441, 522, 546, 578
Laurel county, petition of citizens of 430
Laurel county—see Sheriffs.
Laurel river to Bates' salt well—See Roads, State.
Larue, ———, a bill for the benefit of 221
Lashbrook, James, and Nancy Burkhead, a bill to legalize the marriage of 259, 412, 478, 521, 562, 579

Law, bankrupt, and proceeds of public lands, preamble and resolutions in relation to 61, 143, 150, 158, 204, 223
bankrupt, resolutions in relation to the repeal of the 11
common school, a bill to amend the 116
Goose creek turnpike, a bill to amend the 94
execution, a bill to amend the of this Commonwealth 94
militia, a bill to amend the 94
an act to amend the 643, 659
penal, a bill to amend the 257
road, in Kenton county, a bill to amend the 257
revenue, a bill to amend the 91, 126, 129
stray, a bill to amend the 481
Law books, a bill to amend the act providing for the preservation and distribution of 259, 640
Law, James, &c. petition of 557
Lawrence county, a bill for the benefit of the citizens of 361, 598, 610
—see Sheriffs and Election Precincts.
petition of citizens of 494
Lawrence, Greenup and Carter counties, a bill to survey and mark the line between, 116, 263, 347, 405, 421, 433
Lawler, Samuel, a bill for the benefit of 94, 265, 344, 377, 421, 479
Laws of Kentucky, a bill for revising and publishing the 141, 574
Leathers, John W. petition of 198
Leedom, Samuel V. a bill for the benefit of 93
Lee, Robert, petition of, and others, 168
Legislature, a bill to reduce the pay of the members of the 256, 363
resolution for adjournment of the 270
rules of the last adopted for this 35
Letcher, a bill to establish the county of 267, 621, 652, 661, 674
an act supplemental to the act establishing the county of and for other purposes 665, 666, 674, 677
Levies, county, a bill to regulate the collection of, and the mode of settling with collectors 256
Lewis county, election precinct in—see Election Precincts.
Lexington, a bill to amend the several laws authorizing fire companies in 360, 641, 665
a bill to reduce into one and digest and amend the acts and amendatory acts incorporating the city of 260, 382, 430, 431, 556, 609
petition of the city council of the city of 88
petition of the Lutheran Community in 453
a bill for the benefit of the Lutheran Community in, 640, 665, 675, 677
petition of the Trustees of the Methodist Episcopal Church in 83
Lexington and Georgetown turnpike company, memorial of the 97, 160
Lexington and Ohio Railroad, a bill concerning 264, 356, 369, 405, 656
a bill for the benefit of the purchasers of real estate from 383
Lexington Grenadiers, a bill respecting the 80, 124, 134, 156, 169

Lexington, Harrodsburg and Perryville Turnpike Company, an act for benefit of President and managers of the 173, 204, 267, 340
Librarian, Public, annual report of the 80
elected, 380
Library Association, an act to establish in the city of Louisville 134, 141, 342, 396, 367
Library, committee on the, appointed 52
License, marriage, a bill to amend the law in relation to 256
Lincoln and Mercer counties, petition of citizens of 74, 135, 167, 171
remonstrance of citizens of 135
Line, county—see County Line.
Linton, John F. an act for the benefit of 491, 551, 561, 593
List of titles to the Acts, resolution directing the Public Printer to print 647
Livingston county, petition of citizens of 83, 97
Local Boards on turnpike roads, a bill to regulate the 435, 482
Locks, resolution in relation to tolls charged at the 435, 579
Locust Meeting house, a bill to sell the, and the lands belonging to the Methodist E. Church in Fleming county 360
Logan, Todd and Christian Turnpike Company, petition of the 97
London to Pine Mountain—see Roads, State.
Long, Margaret, a bill for the benefit of 430, 547, 598, 610
Long, John E. petition of 415
Loretto and Nazareth Academy—see Academies.
Louisa and Mountezuma, an act to establish a tobacco inspection at 556, 562, 579
Louisville, an act to authorize and allow the city of, to erect water works 134, 141, 208, 267, 340
an act to establish a Library Association in the city of 134, 141, 342, 359, 367
petition of the Mayor and Council of 348
Louisville and Elizabethtown turnpike, petition of the Contractors on the 197
petition of the Stockholders in 198
a bill to amend the charter of, and provide for the Contractors on the 423
Louisville and Kentucky Mutual Insurance Company, report of the 40
Louisville and Nashville Turnpike road, a bill to amend the charter of the 257
Louisville and Portland Canal Company, a bill to amend the charter of the 64, 75, 112, 134, 141, 156, 169
Louisville Gas and Water Company, an act to amend the act incorporating the 206, 236, 267, 340
Louisville Mechanics' Savings Institution, an act further to amend the charter of 430, 522, 545, 577
Louisville Medical Institute—see Medical Institute.
Luce, William and Jacob, petition of 54, 138
a bill for the benefit of 435, 491, 509, 532
Lunatic Asylum, a bill to amend the laws in relation to the Kentucey 368, 496, 508
resolution in relation to the 79

Lunatic Asylum, report of commissioners of 84
—see Legislative Documents.
Lunatic Asylum and Transylvania University, joint resolution to examine 89, 96, 121, 135
committee to examine, appointed 120
report of committee on 368
—see Legislative Documents.
Lutheran Community in Lexington, petition of 453
a bill for the benefit of the 640, 665, 675, 677
Lyceum, a bill to incorporate the Barboursville 418, 482, 556, 563, 579
Lynn, a bill to establish the county of 564, 583
Madison county, a bill to regulate and fix the value of unappropriated land in 418, 556, 563, 579
petition of citizens of 53
Madisonville, Henderson and Hopkinsville Turnpike road Company, a bill to amend the charter of the 260, 365, 381, 421, 432
Magistrates, an act to amend the law concerning the jurisdiction of, for sums under an appeal 339, 406
Malone, John S. petition of 409
Mammoth Cave—see Roads, State.
Manchester, a bill to incorporate the town of 361
Manifesto, resolution in relation to the, issued by the members of Congress 56, 66
Manufacturing Company, a bill to incorporate the Greenup Iron 367
Manufactures, domestic, preamble and resolution in relation to the encouragement of 637
Marriage license, a bill to amend the law in relation to 256
Married women, a bill to enlarge and protect the rights of 125, 429, 586
report of committee on rights of 424
Marion Circuit Court—see Courts, Circuit.
Marshall, a bill to establish the county of 267, 337, 371, 421, 433
an act to regulate elections in the county of 455, 522, 546, 578
Marshals of towns, a bill authorizing, to execute process in the limits of the county on offenders for breaches of the peace, committed within the limits of their towns 361
Marshall, W. C. appointed on committee to settle the accounts of Green and Barren river Commissioners 341
Mason, Bazil B. protest of 70
an act for the benefit of, and Mary Ann Mason 77, 109, 139, 146
Mason county—see Election Precincts.
memorial of citizens of 464
petition of citizens of 198, 214, 411
Masonic Hall and Methodist E. Church in Hardinsburg, a bill to incorporate the 259, 365, 388, 405, 420, 433
Mason, Mary Ann, petition of 42, 68, 480
a bill for the benefit of 75, 76
an act for the benefit of, and Bazil B. Mason 77
Matlock, Mary, a bill for the benefit of 57, 123

Matthis, David, petition of 66
a bill for the benefit of 85, 109, 139, 146
Maxfield, Nancy, a bill for the benefit of, and Craven and William Sullivan 70, 145
May, Charles B. an act for the benefit of 347, 448, 457, 478
Mayfield, an act to authorize the Trustees of, to sell a lot, &c. 478, 522, 546, 578
Mayo, Jacob, late Clerk of the Floyd Circuit Court, an act for benefit of 357, 448, 457, 478
Mays, Jane, petition of 59
Maysville, an act to amend the charter of the city of 60, 106, 144, 156, 167, 340, 405, 421, 442
Maysville and Mountsterling turnpike road, an act concerning 441, 524, 525, 621
McAllister, Joseph, a bill for the benefit of the heirs of 133
McBrayer, S. and others, petition of 218
McBride, Isabella P. petition of 35, 220
McCall, John, an act for the benefit of 96, 107, 204
McCauley, William, a bill for the benefit of, and others 257
McClelland, William, an act for the benefit of, and others 77, 107, 164, 171, 206
McCracken and Hickman counties, petition of citizens of 43, 143
McCracken county, a bill concerning the Board of Internal Improvement for 258
petition of citizens of, 43, 167
—see Justices.
McDonald, John, a bill for the benefit of 362, 596, 637, 644, 666
petition of 442
McFerrin, W. R. an act for the benefit of 577, 585, 621
McGlosson, John and Jacob, petition of 371
a bill for the benefit of 641, 665, 675, 677
McGowan, Thomas B. petition of 66
a bill for the benefit of 84, 115, 202, 237, 336
McIsaac, John, and others, petition of 223
McRoberts, Hayden J. and E. Bailey, petition of 382
Meade county—see Sheriffs.
petition of citizens of 136, 409
Mechanics and laborers, a bill for the benefit of the, of this Com'th 70, 202, 236, 350
Mechanics in the towns of Hickman and Frankfort, a bill to protect the 360, 490, 509, 530
Mechanics of Woodford county, petition of 195
Mechanics' Savings Institution of Louisville, an act further to amend the charter of 430, 522, 545, 577
Medical Faculty of Transylvania University, memorial of the 97, 360
Medical Institute of Louisville, a bill to incorporate the Physiological Temperance Society of the 361, 454, 509, 530
Meeting house, a bill to sell the Locust, and the lands belonging to the Methodist E. Church in Fleming county 360
Meeting of the General Assembly, a bill to change the time of the 361, 422
Megary, Beverly, an act for the benefit of 354, 448

Members of the Legislature, a bill to reduce the pay of the 256, 363
Mencer, William, petition of 389
Mercer and Lincoln counties, petition of citizens of 74, 135, 167, 171
remonstrance of citizens of 135
Mercer Circuit Court—see Courts, Circuit.
Mercer County, remonstrance of citizens of 126
Messick, John, and others, an act for the benefit of 83, 107, 164, 171, 206
Metcalfe, Thomas, communication of 489
Methodist E. Church—see Church.
Message of the Governor—see Governor.
Mexico, resolutions in relation to the capture of American citizens by 36, 37, 61, 67, 68
Middletown Methodist Episcopal Church—see Church.
Midway Church—see Church.
Miller, William M. petition of 97
an act for the divorce of 124, 142, 157, 169
Mileage of the members of the Legislature, resolution in relation to 657
Military Affairs, committee on, appointed 51
resolutions instructing committee on 256, 362
Militia, Kentucky, a bill for the benefit of the 15th Regiment of 258, 510, 637, 644, 666
Militia Law, a bill to amend the 94
an act to amend the 643, 659
Mill, a bill for the benefit of all persons going to, on horseback through turnpike gates 361
Million, Elizabeth W. petition of 221
a bill for the divorce of 412, 477, 480, 494
Million, George H. and Sarah J. petition of 36
a bill for the benefit of 60, 127
Minors and Slaves, a bill to prevent Druggist from selling poisonous drugs to 217, 238, 343, 358
Mitchell, James and Polly, petition of 135, 410
Mode of capital punishment in Ky. a bill to change the 71, 263, 640
Money, a bill for the appropriation of, 607, 633, 634, 659, 663, 675, 677
Monroe county—see Sheriffs.
petition of citizens of 442
Monticello School house—see Roads, State.
Montezuma and Louisa, an act to establish a tobacco inspection at 556, 562, 579
Montezuma, in Union county, a bill to establish a tobacco inspection at 419, 482, 529, 552
Moody, Allen, petition of 44, 79
a bill for the benefit of 79, 90, 125
Mooney, Thomas, use of Hall granted to 56, 113
Moore, J. R. petition of 67
Moore, Maurice, petition of 44, 68
Moore, Nancy, petition of 168
a bill for the benefit of 217, 237, 336
Moore, Wm. B. petition of 579
a bill for the benefit of 612, 652, 661, 674
Moore, Wm. C. remonstrance of 168

Morgan County Court—see Courts, County.
Morgan county, petition of citizens of 58
—see Election Precincts.
Morgan, Reuben D. N. appeared and took his seat 42
Morehead and Brown's Digest—see Digest.
Morehead, Charles S. nominated for Speaker 5
votes for 5, 6, 7
elected Speaker 8
thanks of House tendered to 678
Morris, Charles G. petition of 521
Morris, David, petition of 218
a bill for the benefit of 350, 354, 666
Moscow, Seminary in—see Seminary.
Mothershead, Nathaniel, and William M. Webb, petition of 371
Mt. Sterling Circuit of the Methodist Episcopal Church, a bill to incorporate the Trustees of the Parsonage of the 64
Mt. Sterling to the Virginia State line—see Roads, State.
Mt. Washington Academy, a bill to incorporate the, 417, 481, 577, 585, 610
Muhlenburg county, petition of citizens of 54, 214
Sheriff of—see Sheriffs.
—see Constables.
Muhlenbug, Daviess and Ohio counties, petition of citizens of 78, 533
Mulattoes and free negroes, an act in relation to 452, 527, 565
Mulattoes, Indians and slaves, an act declaring in what cases they are competent witnesses 109, 112, 129, 144, 172, 204, 208, 217
a bill repealing law respecting 366
Murray, Jefferson A. an act to divorce 611, 647, 661, 678
Murrell, Samuel, petition of 53, 140
Mutual Insurance Company, Louisville and Kentucky, report of the 40
Myers, Jane, petition of 44
a bill for the benefit of 124, 142, 157, 209, 217
a bill to explain act for the benefit of 418
Napoleon, in Gallatin county—see Roads, State.
Nashville and Louisville turnpike road, a bill to amend the charter of the 257
National salute, resolution to fire on the 8th January 71
Natural resources of the State, a bill providing for a systematic survey of the 518
Navigable streams, a bill for the removal of obstructions in the 435, 444
Nazareth and Loretto Academies—see Academies.
Neale, Mathew, petition of 43
a bill for the benefit of 64, 69, 237
Negroes, free, a bill concerning and mulattoes 452, 527, 565
mulattoes and Indians, a bill respecting 129, 144, 172, 204, 208, 217
a bill repealing the act respecting 366
Neely, Robert, petition of 42, 60
Nelson county, petition of citizens of 74, 155, 198, 494
New Argo, a bill to provide for the removal of the steamer sunk in Kentucky river 447, 455, 458, 466

New Argo, joint resolution requesting the Governor to appoint some person to remove 559, 585, 610
New Castle, petition of citizens of 97, 123
remonstrance of citizens of 97
New Jersey, message of the Governor enclosing a joint resolution from the Legislature of the State of 560
Newton, Eliza Wilson, a bill for the benefit of 596, 598, 610
Newton, William, late Sheriff of Daviess county, a bill for the benefit of 563, 637, 644, 666
New York, Virginia and South Carolina, report and resolutions in relation to the action of the States of, in relation to fugitives from justice and fugitive slaves 652
Newport, a bill for the benefit of the Methodist Episcopal Church 70
an act further to regulate and amend the laws regulating the town of 556, 665, 585, 599
Newport Bank—see Bank.
Nicholas Circuit Court—see Courts, Circuit.
Nicholas county—see Constables.
—see Sheriffs.
—see Justices.
Nicholas, John, Jr. an act for the benefit of the heirs of 357, 448
Noel, Adilla, petition of 409
a bill to divorce 563, 598, 610
Noel, Robert P. W. petition of 409
Noisworthy, Niol, a bill for the benefit of 93
Nolin, a bill to amend the act, supplemental to an act, entitled, an act to improve the navigation of 124, 452, 457, 466
Nolin, Thomas Jefferson, petition of 43, 89, 411, 584, 637, 644, 666
Non-resident land, an act concerning the payment of taxes on, 134, 141, 411, 448, 478
Non-resident suitors and certain corporations, an concerning bonds for costs by 109, 112
Northern Bank of Kentucky, a bill for the benefit of the 482, 608, 643, 645, 661, 674
Nourse, John M. petition of 78, 510
Nuckols, Pouncy, an act for the benefit of, and others, 110, 112, 164, 171, 206

Obstructions in the navigable streams, a bill for the removal of 435, 444
in the navigation of western waters, resolution in relation to 557
Occupant of land, a bill to amend an act more effectually to guard the 47
Officers and guards of the Penitentiary, a bill for the benefit of the 116, 166, 218, 336
Officers, certain, a bill to regulate the salaries of, and to increase the resources of the Sinking Fund 56, 117, 142, 159, 250, 252
Officers of Courts, a bill to prohibit the, from becoming securities in certain bonds 360
Officers, Public, election of 379, 380

Officers, Public, an act authorizing the purchase and distribution of certain books to 649, 665, 675, 677
resolution fixing a day to elect 118, 129, 156, 162
resolution postponing the election of 172, 255
Ohio and Lexington Railroad, a bill concerning the 264, 356, 405, 656
Ohio county—see Sheriffs.
Ohio, Daviess and Muhlenburg counties, petition of the citizens of 78, 533
Oldham and Trimble counties, a bill to change the dividing line between 547, 598, 610
Oldham county, petition of citizens of 354, 453
remonstrance of citizens of 453
—see Election Precincts.
Sheriff of—see Sheriffs.
Oldham, Richard, a bill for the benefit of the administrator and securities of 263, 347, 358
Oliver, N. L. petition of 456
a bill for the benefit of 482, 529, 584, 593
Overseers of public roads, a bill to amend the law in relation to the duties of 418
Overseers of the poor, a bill authorizing the County Courts of Wayne, Russell and Hickman to appoint 65, 69
Owenboro,' petition of citizens of town of 135, 219
a bill to enlarge and define the powers of the Trustees of the town of 260
Owen, Carroll and Gallatin counties, a bill to aid the, in building a bridge on Eagle creek 64
Owen Circuit Courts—see Courts, Circuit.
Owen County Court—see Courts, County.
Owen county—see Justices.
—see Sheriffs.
petition of citizens of 74, 214, 442, 545
Owen, Mary Jane, petition of 118
a bill for the divorce of 157, 265, 336

Paducah Baptist Church—see Church.
Methodist Episcopal Church—see Church.
Page, Thomas S. elected Director of Commonwealth's Bank 485
Parker, Thomas, late Sheriff of Lewis county, a bill for the benefit of 361, 412, 478, 480, 493
Parsonage of the Mt. Sterling Methodist Episcopal Church, a bill to incorporate the Trustees of the 64, 347, 448, 457, 478
Parsons, J. B. petition of and Drewry D. Herold 153
Patrols, a bill to amend the act, entitled, an act directing the County Courts to appoint 56
an act to amend an act, entitled, an act to appoint in this Commonwealth 430, 525, 566, 585, 599
Pattie, James S. petition of 381
Payne, Henry, petition of 53
a bill for the benefit of 69, 96, 140, 146
Pay of the members of the Legislature, a bill to reduce the 256
Pearce, Martha J. petition of 54, 121

Pearce, Thomas J. remonstrance of 78
Pedlers, an act to amend the law relating to 96, 107, 144
an act further to amend the law concerning 223, 236, 411, 441, 447, 455
Pedlers of clocks, a bill further to regulate the licensing of 418
Penal laws, a bill to amend the 257
Pendleton county—see Constables.
—see Sheriffs.
petition of citizens of 219
Penitentiary, committee on the, appointed 51
resolutions instructing 95
annual report of the Keeper of the 59—see also Legislative Documents.
a bill for the benefit of the officers and guards of the 116, 166, 218, 336
a bill authorizing the purchase of a lot of ground for the use of the 264, 270, 358
Pepper, Catharine, an act for the divorce of 265, 343, 580, 621
Perry county—see Election Precincts.
petition of citizens of 168
Perryville, Harrodsburg and Lexington turnpike company, an act for the benefit of the President and Managers of the 173, 204, 267, 340
Personal and real estate—see Estate.
Persons, aged, a bill exempting from paying county levies 94
Persons dying without heirs or distributees, a bill to amend the act providing that the estates of, shall vest in the Commonwealth, 64, 69, 111, 130, 207
Persons going to mill through turnpike gates, a bill for the benefit of all 361
Pettit, F. D. nominated for Public Printer 379
votes for 380
Petition and summons, an act concerning the action of 96, 107, 128, 142, 342, 348
Physicians, a bill to establish a board of, in the State of Kentucky 257
Physiological Temperance Society of the Medical Institute of Louisville, a bill to incorporate the 361, 454, 491, 509, 530
Pilots' Commercial Insurance Company, an act to incorporate the 238, 343, 453, 466, 504
Pine Mountain to London—see Roads, State.
Pittman, Asa, an act for the benefit of the heirs of and James Frazer 339, 406, 421, 442
Pittman's creek, a bill to amend act appropriating six thousand acres of land west of Tennessee river to build a bridge across 257, 365, 381, 421, 432
Platts and certificates, an act to extend the time of receiving and registering, 491, 522, 546, 577
Pleasureville, an act to incorporate town of 504, 551, 562, 593
Poe, E. H. petition of 479
Pond Draining Company, a bill to amend the law incorporating the Jefferson 418, 482, 556, 562, 579

Poplar Plains, petition of the citizens of the town of 43
a bill to legalize the proceedings of the Trustees of 60, 77, 139, 145
Portland, a bill to re-establish the town of 560, 584, 607, 659, 662, 675, 677
petition of citizens of 36, 442, 453
remonstrance of citizens of 88
memorial of citizens of 442
Portland and Louisville Canal Company, a bill to amend the charter of the 64, 75, 112, 134, 141, 156, 169
Portland Dry Dock and Insurance Company, petition of the 35
a bill to amend the charter of the 75
Porter, James W. petition of 59
a bill for the benefit of 111, 131, 138, 145
Porter, John, petition of, and Abraham and Isaac N. Van Meter 67, 89, 90
Port Oliver, a bill for the benefit of the town of 70, 106, 117, 140, 146
a bill to amend the act to authorize the election of Trustees of the town of 481
Poyntz, William M. an act for the benefit of 68, 106, 164, 171, 206
Prator, Thomas, a bill for the benefit of 529, 551, 562, 593
Preachers' Aid Society of the Kentucky Conference, an act for the benefit of 388, 415, 447, 455
Presbyterian Church—see Church, Presbyterian.
President of the Commonwealth's Bank, an act to reduce salary of 529, 551, 562, 593
Prewitt, Nelson, leave of absence granted to 665
Priest, Temple G. and Sophia, petition of 97
a bill for the benefit of 222, 265, 336
Princeton, petition of citizens of the town of 54, 452
remonstrance of citizens of 479
Princeton Seminary, a bill to authorize the Trustees of to rent out the property 69, 109, 139, 145
Printer, Public, elected 379, 280
resolutions in relation to duties of the 357, 566, 585, 599
Printing, Public, a resolution to appoint a joint committee on the 206, 207
resolution instructing the committee on 224
report of committee on the 254
a bill fixing the price of the 366, 637, 644, 666
Privileges and Elections, committee on appointed 49
report of committee on 530
Probate of wills, an act to amend the law concerning the 109, 111, 140, 157, 173, 207, 521, 551, 562, 593
Proceedings by information, a bill to authorize, in the nature of *quo warranto* in certain cases, &c. 418
Proceedings, civil, a bill to amend the laws in 361
Proceedings in civil cases, an act further to regulate 143, 158, 208
Proceedings in County Courts, a bill to amend the law regulating 257
Proceeds of the public lands and bankrupt law, preamble and resolutions in relation to the 61, 66, 142, 150, 158, 204, 223
Property, a bill more effectually to provide for the trial of the right of by jury 419

Property, a bill to amend the act exempting certain, from execution 65, 91, 144, 347, 448, 645
a bill to amend the several acts exempting certain, from sale under execution 260
a bill to amend the several laws now in force in relation to the trial of the right of 56
a bill to regulate the sale of, under execution 456, 486
Propositions and Grievances, committee on appointed 49
Pryor, Elizabeth, petition of 266, 410
act to divorce, 581, 631, 652, 662, 674
Public Arms—see Arms, and Bonds.
Public Instruction—see Superintendent.
Public law books, a bill to amend the act providing for the distribution and preservation of 259, 640
Public Librarian, report of the 81
Public officers, an act authorizing the purchase and distribution of certain books to 640, 665, 675, 677
Public Officers, resolution fixing a day to elect 118, 129
election of 378, 379
Public Offices, committee on, appointed 52
Public Printer elected 379, 380
resolution in relation to duties of 566, 585, 599
resolution relative to the duties of 357
Public Printing, a bill to regulate the prices of the 366, 637, 644, 666
a resolution to appoint a joint committee on the 206, 207
report of committee on 254
resolution instructing committee on 224
Public Roads, a bill to amend the law concerning 360
a bill to amend the law in relation to keeping in repair 658
a bill to amend the law in relation to the duties of overseers of 418, 478,
Public Works, a bill for the payment of contractors on the, for work already done 637
Publishing and revising the laws of this State, a bill for the 141, 574
Pulaski county, petition of citizens of 367, 479
—see Sheriffs.
Purchasers of real estate from the Lexington and Ohio Railroad, a bill for the benefit of 383
Purchasers of Tobacco, a bill to repeal the act authorizing, to export tobacco without inspection 257
Purchases, fraudulent, and fraudulent sales, a bill to amend the act the better to provide against, and conveyances of property 418
Purdham, William, a bill to allow Morehead & Brown's Digest to 259

Quartering of slaves, a bill to prevent the, at a distance from their owners without an overseer 418
Quisenberry, William, an act for the benefit of 238, 343, 631, 661, 678
Quo Warranto, a bill to authorize proceedings by information in the nature of writs of, in certain cases 418

Raccoon Chute, a bill to improve the 482

Railroad, Lexington and Ohio, a bill concerning the 264, 356, 369, 405, 656
a bill for the benefit of the purchasers of real estate from 383
Randall, Thomas and Larkin C. petition of, and Benjamin F. Graves 118
Rankins, Harrison, an act for the benefit of, and wife and children 441, 521, 545, 575
Ransdell, James, and Nancy Cornwell, an act legalizing marriage, 521, 562, 579
Ratliffe, William, a bill for the benefit of 93, 481, 556, 563, 579
Rawlings, A. petition of 266
a bill for the benefit of 443, 556, 563, 579
Real and personal estate—see Estate.
Real estate, an act to amend the law concerning injuries to 109, 111, 140, 156, 167
resolution in relation to the valuation of 58
Real estate and slaves, a bill to amend the law in relation to dower in 259
Reaves, Betsey, petition of 44, 121
Reaves, William H. petition of 44
Recording wills—see Wills.
Records filed in the Court of Appeals, a bill to repeal act dispensing with a seal to 217, 237
Redman, Vincent and Paulina, petition of 206
Reece, Louisa J. an act for the benefit of 83, 107, 154, 170, 206
Reed, Rebecca Ann, a bill to change the name of Rebecca Ann Smith to that of 361
Regiment, 15th of Kentucky Militia, a bill for the benefit of the 258, 510, 637, 644, 666
Register of the Land Office, an act concerning the 96, 107, 632, 661, 678
Religion, committee on appointed 50
resolutions instructing the 45, 46
Rent, a bill to amend the law concerning distress for 361
Replevin, an act concerning the action of 83, 107, 342, 448, 458, 479
Repudiation of State debts, a preamble and resolutions in relation to 68, 107, 121, 134
Resolutions in relation to Banks 416, 417
in relation to Lunatic Asylum 79
in relation to divorces 45
in relation to Governor's Message 46
in relation to petitions for divorce 80
in relation to dispensing with Engineers 63
in relation to settlement of accounts of the Green and Barren river Commissioners 521
in relation to valuation of real estate 58
joint, authorzing the Secretary of State to deliver certain books and documents to the Kentucky Historical Society 74, 108, 112, 131
joint, concerning Soldiers of the Revolution 78, 80, 121, 134
joint, fixing a day to elect public officers 118, 129, 156, 167
joint, fixing a day to elect Senator in Congress 565, 585
joint, for the adjournment of the Legislature, 255, 270
joint, in relation to admission of Texas into the Union 577

Resolutions, joint, in relation to amendments of the constitution of the United States, 49, 58, 222, 231, 233, 504, 554, 584, 593
joint, in relation to Banks 359
joint, in relation to capture of American citizens by the Mexicans 36, 37, 61, 67, 68
joint, in relation to censuring John Q. Adams 376
joint, in relation to the committee on Banks 84, 85
joint, in relation to the duties of Public Printer 357
joint, in relation to duties of Superintendent of Public Instruction 639, 662, 674
joint, in relation to duty on Tobacco 532, 662, 674
joint, in relation to encouragement of domestic manufactures 637
joint, in relation to obstructions to navigation of the Western wates 557, 637, 644, 666
joint, in relation to repeal of the bankrupt law, and the proceeds of the sale of public lands, 11, 48, 61, 66, 143, 150, 158, 204, 223
joint, in relation to the repudiation of State debts, 68, 107, 121, 134
joint, in relation to resumption of specie payments by the Banks 631
joint, in relation to Schuylkill Bank at Philadelphia, 201, 203, 204, 213
joint, in relation to tariff 255
joint, in relation to tolls on turnpike roads 631
joint, in relation to water rotted hemp 126, 130, 164, 172, 204, 213
joint, in relation to Western Armory 532, 631, 644, 666
joint, in relation to Whig manifesto 56, 66
joint, instructing Board of Internal Improvement to reduce tolls on the rivers 435, 579
joint, postponing election of President and Directors of the Commonwealth's Bank 380
joint, postponing the election of Public officers 172, 255
joint, requesting the Governor to have New Argo removed 559, 585, 610
joint, rescinding resolution to adjourn 558, 605, 607
joint, to appoint committee on the Public Printing 206, 207
joint, to appoint committee to settle the accounts of the Green and Barren river Commissioners 218, 267
joint, to examine Deaf and Dumb Asylum 89
joint, to examine Transylvania University and Lunatic Asylum, 89, 108, 121, 135
joint, to place a tomb over the grave of John Adair, late Governor of Kentucky 74, 108, 110, 126, 156, 167
joint, to take a recess to the 1st Monday in May 368
requiring information from Board of Internal Improvement 92, 133, 160, 199, 261, 442
to fire a national salute on the 8th of January 71
to issue writ of election to fill vacancy caused by the resignation of John Calhoon 89

Resolutions to limit speeches to 15 minutes 464
to meet at 9 o'clock in the morning 376
to take recess from 1 until 3 o'clock 435
to wear crape in memory of Charles Stuart 73
Resources of the Sinking Fund, a bill to increase the, &c. 258
—see Sinking Fund.
Resources of the State, a bill providing for a survey of the natural 518
Responses of Board of Internal Improvement to resolutions 173, 175, 187, 188, 215, 216, 238, 239, 271, 336, 389, 467
Resumption of specie payments by Banks, resolutions in relation to 631
Revenue laws, a bill to amend the 91, 126, 129, 139, 145, 521, 545, 577
Revenue law, an act to amend the 381, 521
Revenue of 1842, an act concerning the 143, 152, 411
Revising and publishing the laws of this State, a bill for the 141, 574
Revivor of suits, an act to amend the law concerning 367, 521, 546, 577
Revolutionary Soldiers—see Soldiers.
Richwood Presbyterian Church—see Church.
Right of property, a bill to amend the laws in relation to the trial of 56
a bill more effectually to provide for the trial of by jury 419
Right of suffrage, a bill to protect, &c. 263, 270, 405, 585, 608, 624, 644
Riots and breaches of the peace, a bill more effectually to prevent 47, 216
a bill more effectually to prevent, and pay jurors in cases of 71
Reizer, Jacob, petition of 127
a bill for the benefit of, and others 510, 637, 644, 666
Road Law, in Bracken county, a bill to amend the 417, 481, 556, 562, 579
in Kenton county, a bill to amend the 257, 443, 478, 480, 494
Roads, Public, a bill to amend the law concerning 360, 343
a bill to amend the law in relation to the duties of the overseers of 418, 478, 480, 494
Roads, State, an act to amend the, appointing Commissioners to lay off and mark, from Harrodsburg to Smithland 441, 522, 476, 578
an act to allow the Morgan County Court to straighten 347, 449, 451
an act to amend the law in relation to the Goose creek Salt Works 361
an act to amend the law in relation to keeping in repair, 658, 665, 675, 677
a bill to amend the law in relation to the, in Campbell county 260, 443, 504, 509, 532
a bill to amend the act to provide for the improvement of the, from Franklin county to the Crab Orchard 63, 91, 160, 632
a bill to amend the act establishing, from Napoleon, in Gallatin county, to the Covington and Georgetown turnpike 70, 91, 117, 139, 145
a bill to amend the law allowing County Courts to erect gates on 94, 157, 172, 208, 217

Roads State, a bill to amend the law establishing, from Landing, in Boone county, to the Covington and Lexington turnpike 257, 443, 504, 509, 579
a bill allowing changes in the, from Mountsterling to the Va. State line 64, 258, 443
a bill to authorize the several County Courts to open, to and from locks and dams 361
a bill to authorize the County Court of Daviess to alter 116, 264
a bill to change in part the, in Carroll county 116, 142, 157, 169
a bill to establish, from Laurel river, through London, to Bates' Salt well, in Clay county 57, 91, 117, 140, 146
a bill to establish, from Liberty to Albany, in Clinton county 259, 366, 381, 421, 432
a bill to establish, from London, through Williamsburg to Pine Mountain 64
a bill to establish, from the mouth of Blys' creek, in Perry county, up the middle fork to the mouth of Stinnet's creek, in Clay county 260
a bill to establish from the Ohio river to Albany, in Clinton county 435, 504, 521, 562, 579
a bill to establish from opposite Madison, on the Ohio river, to the Tennessee line 259
a bill to review a way for, from the Green river turnpike to Mammoth Cave 47, 60, 81, 93, 140, 146
Roads, Turnpike, a bill to regulate Local Boards on the 435
an act concerning the, of this Commonwealth 452, 526, 546, 577
an act to regulate tolls on the, in which the State is a stockholder 529, 551, 584
Crab Orchard and Cumberland Gap, a bill for the benefit of the Contractors on 443
Crab Orchard, a bill for the improvement of the 443
Franklin and Crab Orchard, a bill to regulate the tolls on the 64, 157, 160
Henderson, Madisonville and Hopkinsville, a bill to amend the charter of 260
Louisville and Nashville, a bill to amend the charter of the 257
Louisville and Elizabethtown, a bill to amend the charter of the 504, 551, 552
Maysville and Mountsterling, an act concerning the 441, 524, 525, 621
Shelby and Franklin, a bill to amend the act further to regulate the 611
tolls on the, resolutions concerning the 631
Robertson, George A. nominated for Librarian 380
elected Librarian 380
Roberts, Willis, a bill for the benefit of 93, 264
Robinson, Joshua, a bill for the benefit of, and others 221, 342, 357, 421, 432

Robinson, Mrs. and heirs, a bill for the benefit of 409
Robinson, Richmond, petition of 69
Rockcastle Circuit Court—see Courts, Circuit.
Rockcastle county, petition of citizens of 430
Roush and Farquharson, petition of 136
memorial of 557
Rout, Thomas, petition of 53 90
Rodes, James C. and H. I. Bodley, petition of 74
a bill for the benefit of 80, 109, 139, 146
Rodes, Solomon, a bill for the benefit of 57, 153, 270, 358
Rodes, Paulina G. a bill for the benefit of 413, 415, 447, 455
petition of 168
Rogers, Frances, petition of 97, 123, 140
Rose, Bennet, a bill for the benefit of the heirs of 70, 141, 213, 336
Rowland, R. E. petition of 238, 411
Ruble, Jesse, a bill for the benefit of the heirs of 85, 117, 139, 145
Rudd, Christopher A. an act for the benefit of the widow and children of 339, 406, 421, 442
an act for the relief of the widow and heirs of 491, 551, 561, 593
Ruddell's Mills, petition of citizens of 494
a bill to establish the town of, &c. 547, 598, 610
Rules of last session adopted for this 35
Rumsey, Edward, petition of 126
a bill for the benefit of 166, 223, 336
Runaway slaves, an act concerning 491, 528, 547, 621
Russell and Clinton counties, a bill to change the line between 563, 564
Russell County Court—see Courts County.
Russell county, petition of citizens of 118, 560
Russellville and Clarksville Turnpike Company, a bill to amend the act to incorporate the 94, 482, 556, 562, 579

Salaries of certain officers, a bill to regulate the, &c. 56, 117, 142, 159
Sale of property under execution, a bill to regulate the 456
Sales, fraudulent—see Fraudulent Sales.
Salt river, a bill to incorporate a company to build a bridge across 257
Salute, National, resolution to fire on 8th January 71
Sandy Iron Manufacturing Company, an act to incorporate the 556, 565, 585, 599
Sandford, Prior and wife, a bill for the benefit of 192, 658, 674, 677
petition of 97, 128
Satterfield, Eli, petition of 357, 560
Savings Institution, an act further to amend charter of the Louisville 430, 522, 545, 577
Sayre, David A. an act for the benefit of 529, 551, 562, 593
Scarborough, George, petition of 143
Schools, Common, a bill to amend an act, entitled, an act to establish a system of 63, 258
an act to amend the several acts establishing 223, 236, 454, 458, 464, 494, 505, 607, 624, 644

Schools, Common, a bill for the benefit of the, in Franklin county 441, 522, 546, 578
annual report of the Superintendent of 96
—see Legislative Documents.
resolutions relative to duty of the Superintendent of 639, 643, 662, 674
School District, petition of citizens of the 23d, Christian county 340
School Districts, a bill to legalize the vote in certain, in Caldwell county 56, 91, 126, 139, 145
School Law, Common, a bill to amend the 116
Scire facias, a bill to authorize the issue of fi. fas. in certain cases without, and subject real estate to execution 360
Schuissler, Fridrica L. petition of 529
Schuylkill Bank at Philadelphia, preamble and resolution in relation to 201, 203, 204, 213
Scott and Franklin counties, an act to establish the true line between 354, 448
Scott Circuit Courts—see Courts, Circuit.
Scott county, petition of citizens of 74, 545
Scottsville and Glasgow turnpike, petition of Contractors on the 118
Sealed writings, an act to amend the law concerning 109, 112, 144
Seal to records filed in the Court of Appeals, a bill to repeal the act dispensing with a 217, 237
Seargeant-at-Arms elected 8
Sears, Nancy, a bill for the benefit of 60, 77, 139, 145
Sears, Thomas, petition of 44
Second Auditor, annual report of the 48—see Legislative Documents.
Second Presbyterian Church in Louisville—see Church.
Secretary of State, communication of 220
reports of the 72, 105, 132
resolution authorizing the, to deliver books, &c. to the Ky. Historical Society 74, 108, 121, 135
resolution requiring information from 422
Secretary of the Board of Internal Improvement, response of the 113
Seminary, Breckinridge, an act to amend an act for benefit of 491, 551, 559
Clay Village, an act to incorporate 159, 204, 267, 340
Crab Orchard, a bill for the benefit of 481
Funk, an act to incorporate the 347, 449, 490, 510, 557
Hawesville, an act to incorporate the Trustees of the 238, 343, 466, 504
Hopkins, an act authorizing additional Trustees to 529, 551, 562, 593
Moscow, a bill to incorporate the Trustees of the 65, 454, 631, 645, 659, 675, 677
Princeton, a bill to authorize the Trustees of, to rent out the property 69, 109, 139, 146
Simpson, petition of the Trustees of the 168
a bill for the benefit of 338, 354, 358
Senator in Congress, resolution fixing a day to elect 565, 585
election of 586

Senators, an act to provide for the election of, when there is a tie between candidates 340, 405
Shannon, James, use of Hall allowed to 132
Sharpsburg, petition of citizens of 557
Shaw, John, petition of 479
Shelby and Franklin turnpike roads—see Roads, Turnpike.
Sheriffs—a bill to amend an act, entitled, an act concerning 69, 127
a bill to amend the law regulating conveyances of land sold by 217, 238, 343, 358
a bill to amend an act, entitled, an act to reduce into one the acts and parts of acts concerning 361
a bill declaring the office of Sheriff and Surveyor incompatible 64
an act for the benefit of certain 478, 522, 546, 578
of Anderson, a bill for the benefit of the 257
of Bath, a bill for the benefit of, and his deputies 258, 412, 477, 480, 494
of Breathitt, a bill for the benefit of 257, 412, 478, 480, 494
of Bullitt, a bill for the benefit of 48
of Calloway, a bill for the benefit of 47, 417, 481
of Campbell, a bill for the benefit of 93, 123, 142, 156
a bill for the benefit of the late 124, 156, 169
of Carroll, a bill for the benefit of 93, 412, 478, 562, 579
of Carter, an act for the benefit of 357, 451, 490, 510, 557
of Casey, a bill for the benefit of 70, 130
of Christian, a bill for the benefit of 57, 154
of Clay, a bill for the benefit of 57, 90, 124, 142, 152
of Daviess, a bill for the benefit of 418, 563, 637, 644, 666
of Green, a bill for the benefit of 93, 124, 142, 156, 169
of Henderson, a bill for the benefit of 125
of Henry, a bill for the benefit of 482, 529, 584, 593
of Laurel, a bill for the benefit of 456, 482, 529, 584, 593
of Lewis, a bill for the benefit of 361, 412, 478, 480, 493
of Meade, a bill for the benefit of 412, 477, 480, 494
of Meade, Hart and Marion, a bill for the benefit of 180, 221, 366, 402, 403, 478, 521, 562, 579
of Monroe, a bill for the benefit of 94, 264
of Muhlenburg, a bill for the benefit of 57, 153, 221, 233, 358, 361
of Nicholas and Lawrence, an act for the benefit of 340, 405, 504, 546, 578
of Ohio, a bill for the benefit of 57, 263, 339, 358
of Oldham, a bill for the benefit of 221, 412, 419
of Owen, a bill for the benefit of 57, 90, 155
of Owen and Casey, an act for the benefit of 156
of Pendleton, a bill for the benefit of 94, 563, 598, 610
of Pulaski, a bill for the benefit of 57, 111, 131, 159, 145
of Russell, a bill for the benefit of 451, 490, 510, 557
of Wayne, a bill for the benefit of 125, 562, 579
of Whitley, a bill for the benefit of 71, 144, 221, 270, 358
Shultz, Susannah, petition of 118, 224
Silk, Cocoons, a bill granting a bounty on 226, 637, 665, 675, 677

Simpson, Jonathan, and Benjamin Doom, an act for the benefit of 347, 448, 457, 479
Simpson Seminary—see Seminary.
Singleton, Richard, petition of 127
a bill allowing a change of venue to 404, 452, 457, 466
Sinking Fund, a bill to regulate the salaries of certain officers, &c. 56, 116, 142, 159, 250, 252, 258
annual report of the Commissioners of the 166
—see Legislative Documents.
committee on appointed 52
resolutions instructing 47
report of committee on 164
Six Mile Academy, in Shelby county, a bill to incorporate the 125, 339, 358
Skeeters, Amanda, petition of 75
a bill to divorce, &c. 412, 611, 644, 661, 674
Skillman, John, petition of 53
bill for the benefit of 596, 659, 675, 677
Slaughter, P. C. and others, a bill to amend an act for the benefit of 221, 263, 339
Slaves, a bill more effectually to prevent, from carrying arms 93, 157, 367
a bill to amend the law in relation to the emancipation of 256
a bill to amend an act, entitled, an act to amend the law prohibiting the importation of 93
a bill to amend the law prohibiting the importation of 257, 364
a bill to amend the law concerning 339, 407
a bill to repeal the law prohibiting the importation of 94
a bill to prevent owners of, from quartering them without an overseer 418
a bill to prevent Druggist from selling poisonous drugs to, &c. 217, 238, 343, 358
an act further to define the crime of arson by 611, 658, 674, 678
executed, a bill to amend the law allowing compensation for 94
runaway, an act concerning 491, 528, 547, 621
Slaves and real estate, a bill to amend the law in relation to dower in 259
Slaves, Indians and Mulattoes, an act declaring in what cases they are competent witnesses, &c. 109, 112, 129, 172, 204, 208, 217
a bill to repeal the laws respecting 366
Slinker, Andrew, remonstrance of 54
Smallwood, Lois, petition of 75
a bill for the benefit of 106, 126, 139, 145
Smither, Benjamin, appeared and took his seat 173
Smith, Burnley D. petition of 78, 143
Smith, Daniel, petition of 118, 220
Smith, Dorinda, petition of 83
Smith, George W. petition of 59
Smith, Henry, a bill for the benefit of 124, 172, 208, 217
Smith, Luther, an act for the benefit of 529
Smith, John, of Germantown, Ky. act divorcing 581
Smith, John, petition of 55, 410
Smith, John Speed, nominated for Speaker 5—votes for 6, 7, 8
Smith, Rebecca Ann, a bill to change the name of, to Reed 361, 454, 504, 521, 562, 579

Smithland, a bill to incorporate the town of 258, 366
a bill to endow an Academy in 258, 366
petition of citizens of 479
Society, Ky. Historical, joint resolutions authorizing the Secretary of State to deliver certain books, &c. to the 74, 108, 121, 135
Preacher's Aid of Ky. Conference, an act for the benefit of the 388
State Agricultural, use of Hall allowed to 77
Soldiers of the Revolution, resolutions concerning 78, 80, 121, 134
Soldiers of the U. S. a bill to prevent the sale of ardent spirits to, in this State 260
Somerset, a bill for the benefit of the town of 94, 263, 339, 358
an act touching the town of 577, 585
Somerset Academy—see Academy.
petition of Trustees of 43
South Carolina, act of Legislature of, in relation to N. York, &c. 534, 535
South Carolina, Virginia and N. York, report and resolutions in relation to the action of the States of, in relation to fugitives from justice, and fugitive slaves 652
Speaker elected 8
Spears, John, petition of 367
Spencer county, an act adding, to the 13th Judicial District 549
petition of citizens of 270, 665
—see Constables and Justices.
Stamper, Belinda, and Elisha Breeding, a bill to legalize the marriage of 157, 172, 208, 217
Stanhope, Wm. a bill for the benefit of 47, 60, 73, 79, 131
Stanton, Reuben, petition of 238, 545
Starks, Terry, petition of 59
State Agricultural Society—see Society.
State Bonds, a bill authorizing the reduction of the, hereafter to be issued for Int. Imp. purposes 257, 365
an act to change the 6 year for 30 year 637, 658, 675, 678
States' debt for Int. Imp. a bill to appropriate the proceeds of the sales of the public lands to the payment of 165, 205, 343, 454, 458, 621, 659, 675, 677
State debts, preamble and resolutions in relation to the repudiation of 68, 107, 121, 134
State roads—see Roads, State.
State, Secretary of, report of the 72, 105—response of 499
State Temperance Convention, allowed use of Hall 77
Stealey, R. M. petition of 409
Steamboat New Argo, an act for the removal of 447, 455, 458, 466
Steamport—see Election Precincts.
Steen, William, petition of 168
Stegall, a bill to legitamise several children, and change their names from Elrod to 64, 263, 339, 358
Stegall, Constantine and wife, a bill to change the names of children of 69, 263, 339, 358
Stephens, James M. and Susan J. a bill to dissolve marriage contract between, 631, 652, 662, 675, 677
Stephens, James M. petition of 409

Stephens, Thomas L. and James Ford, petition of 198
Stephens, Peter, petition of 53, 68
Stephenson, Hiram, petition of 382
Sterrett, Theodore, petition of 270
Stevenson, Thomas B. petition of 270, 545
Stevens, Thomas, a bill for the benefit of 481
Stiles and Black, Rev. Messrs. use of Hall tendered to 58
Stiles, Rev. Joseph C. petition of 83, 106, 111
a bill for the benefit of 146, 147, 148, 149, 213, 236, 337
Stoughton, L. B. petition of 153, 665
a bill for the benefit of 596, 659, 675, 677
Stokes, Thomas, petition of, and others 340
Stone, Stephen, and John D. Armstrong, petition of 88, 219
Stratton, Henry, and others, a bill allowing to change a State road 258
Stratton, Thompson N. a bill for the benefit of 361, 412, 480, 494
Stray laws, a bill to amend the 481
Streams, navigable, a bill for the removal of obstructions in the 435, 444
Stroube, John, a bill for the benefit of 259
Stuart, Charles, resolution to wear crape in memory of 73
Suits, an act to amend the law concerning the revivor of 367, 521, 546, 577
Suitors, non-resident, and certain corporations, an act concerning bonds for costs by 153
Sullivan, William and Craven, and Nancy Maxfield, a bill for the benefit of 70, 145
Summons and petition, an act concerning the action of 96, 107, 128, 142, 342, 348
Superintendent of Common Schools, annual report of the 96
resolutions requiring to report 639, 643 662, 674
—see Legislative Documents.
Survey of the natural resources of the State, a bill providing for 518
Surveyor and Constable, a bill to declare the offices of, and the offices of Sheriff and Surveyor, incompatible 64, 128, 142, 157, 169
Surveyor and Coroner of Greenup county, a bill to allow the, to renew their official bond 93, 263, 339, 358
Surveyor of Cumberland county, an act for the benefit of John M. Baker, the 77, 107, 121, 134
Swim, Elizabeth, an act to divorce 652, 662, 675, 677

Taking of depositions, a bill to amend the law regulating the 418
Tanner, A. A. petition of 75
a bill for the benefit of 80, 124
Tanner, William, admitted to a seat within the bar of the House 41
Tapp, James, petition of 53
a bill to change the name of, and James Hays 85, 117, 140, 146
Tariff, resolution in relation to the 255
Tarlton, Alfred, petition of 66
a bill for benefit of, and his securities 106, 126, 129, 131
Tarlton, George W. petition of 372

Tax, a bill to amend the law providing compensation for Commissioners of 647, 658, 675, 678
Taxes, a bill prescribing additional duties to the Commissioners of 513, 523
Tax on forfeited lands, a bill concerning the 641, 668, 675, 677
Taxes on non-resident land, an act concerning the payment of 134, 141, 411, 448, 458, 478
Taxable property, an act requiring those who fail to list the, with Commissioners, to list the same with the County Court Clerk 381, 523, 621
Taylor, Elizabeth M. a bill for the benefit of 69, 87, 139, 146
Taylor, Gibson B. leave of absence granted to 585
Taylor, Isaac, and others, a bill for the benefit of 221, 342, 357, 421, 432
Taylor, Jonathan, petition of 110, 166
Taylor, Wilson M. an act for the benefit of the heirs of 126, 129, 154, 204, 223, 267, 340
Temperance Society—see Physiological Temperance Society.
Tennessee, resolutions from the Legislature of 594, 636
Tennessee river—see Land, vacant.
Terry, Tacy, petition of 214, 410
Texas, resolutions in relation to the admission of, into the union of the United States 577
Tidings, John W. a bill for the benefit of, and others 417
Tilford, John, a bill for the benefit of 93, 156, 402
Titles to the Acts, resolution directing Public Printer to print 647
Thomas, Owen, a bill for the benefit of 360
Thompson, Esther, petition of 127, 220
Thompson, Joseph, petition of the administrators of 382
Tobacco, a bill to repeal the act authorizing the purchasers of, to export it without inspection 257
Tobacco, resolutions in relation to the duty on 532, 643, 662, 674
Tobacco inspection, a bill to establish a, at Montezuma, in Union county 419, 529, 552
Todd county, petition of citizens of 382
Todd, H. I. petition of 354
Todd, Logan and Christian turnpike company, petition of the 97
Todd, Robert S. appointed on select committee on memorial of H. J. Eastin 338
excused from serving on committee on Banks 59
Tolls, a bill to amend the law rating and fixing, on the works of Internal Improvement 94
charged at Locks, a resolution in relation to the 435, 579
on turnpike roads, an act to regulate the, on those in which the State is a joint stockholder 529, 551, 584, 599
resolution in relation to the 631
Transylvania University and Lunatic Asylum, joint resolution to examine 89, 96, 108, 121, 135
committee to examine appointed 120
report of committee 368—see Legislative Documents.
Transylvania University, memorial of the medical faculty of 97, 360
report of committee appointed to examine 402

Treasurer, an act amending the act authorizing the Clarke County Court to appoint a 60
Treasurer of the State, annual report of the 5
Treasurer elected 378
Trigg, Susan, petition of 456
Trimble and Oldham counties, a bill to change the dividing line between 547, 598, 610
Trimble County Court—see Courts, County.
Trimble county, petition of citizens of 354
Trimble, David and Sophia, petition of 88, 144, 220, 409
Trotter, Polly, petition of 54, 154
Tulley, Wesley, petition of 78, 121
Tupman, Thomas G. a bill for the benefit of 47, 218, 236, 510, 546, 578
Turner, Fielding L. and others, petition of 214
a bill for the benefit of 481
Turner, Oscar, an act for the benefit of 153, 158, 171, 206
Turnpike gates, a bill for the benefit of all persons going to mill on horseback through 361
Turnpike road company—see Roads, Turnpike.
Turnpike roads—see Roads, Turnpike.

Unappropriated land in Mason county, a bill to regulate and fix the value of 418, 482, 557, 563, 579
Union Circuit Courts—see Courts, Circuit.
Union county, a bill to establish a Tobacco Inspection at Montezuma in 419
petition of citizens of 135, 218
memorial of citizens of 456
Unsettled claims for work done on Internal Improvement, resolutions in relation to 666, 675, 678
Usury, a bill more effectually to prevent 47
a bill to alter and amend the law concerning 382, 499

Vacant lands west of Tennessee river, a bill to amend an act, entitled, an act to appropriate the 57, 90, 112, 130, 142, 358
Valuation of real estate, resolution in relation to 58
Vance, Wm. R. discharged from committee on memorial of H. J. Eastin 338
Van Meter, Abraham, Isaac N. and Jno. Porter, petition of 67, 89, 90
Vawter, E. F. appointed on committee on memorial of H. J. Eastin 338
Venue, a bill authorizing changes of, from the Appellate to the Circuit Courts in cases of probate of wills 442
an act to amend the law concerning changes of 529, 551, 562, 593
Versailles Artillery Company, bill for the benefit of 361, 510, 637, 644, 660
Violet, Edward, petition of 58
Virginia, New York and South Carolina, report and resolutions in relation to the action of the States of, in relation to fugitives from justice and fugitive slaves 658
Virginia State line, Mt. Sterling to—see Roads, State.

Waddle, John M. petition of 190
a bill to amend the law authorizing to lay off town on his land 263, 339, 358

Wade, Anderson, an act for the benefit of 126, 129, 410, 447, 455
Wagoners, a bill to prevent, from using bells on their horses on stage roads 418
Walker, Isaac W. an act for the benefit of 68, 69, 77, 79, 134
Walker, Randall, and others, petition of 218
Ward, Almanzor, and D. Hazlerigg, an act for the benefit of 577, 585, 621
Warder, Louisa, an act for the benefit of 143, 158, 170, 206
Wards and Guardians, non-resident, a bill to allow, to remove property from this State, under certain restrictions 259
Ward, William, an act for the benefit of 529, 551, 562, 593
Ware, Elizabeth, petition of 66
a bill to divorce and change the name of 80, 126, 139, 145
Warren county, petition of citizens of 42, 68
—see Justices.
Washington county, petition of citizens of 59, 208, 479
Washington Circuit Court—see Courts, Circuit.
Water and Gas Company, an act to amend the act incorporating the 206, 236, 267, 340
Water rotted hemp, resolution in relation to 126, 130, 164, 172, 204, 213, 420
Water works, an act to authorize and enable the city of Louisville to erect 134, 141, 208, 267, 340
Watson, Jailey, and others, an act for the benefit of 206, 236, 560, 584, 599
Watts, Cæsar, petition of 160—a bill for the benefit of 217
Watts, Susannah, an act for the benefit of 74, 107, 121, 156, 167, 43
Wayne county, petition of citizens of
—see Sheriffs and Justices.
Ways and Means, committee on appointed 50
resolutions instructing 46, 92, 95, 219
Weaver, Samuel W. petition of 59, 410
Webb, William M., and Nathaniel Mothershead, petition of 371
Weir, James, remonstrance of 59
Welch, Sylvester, memorial of 485, 529
Weller, Elisha, petition of 223, 410
an act for the divorce of 452, 522, 546, 578
Wester, Cynthia, petition of 43
a bill to divorce and change the name of 80, 159, 209, 217
Western Armory, resolutions in relation to 532, 631, 644, 666
Western waters, resolutions in relation to obstructions to navigation in 557, 637, 644, 666,
Westport, petition of citizens of the town of 168
remonstrance of citizens of 219
a bill to vacate part of the town of 267, 354, 405, 420, 432
an act to repeal in part the act to vacate part of 599, 658
Wetherford, Sarah, act to divorce 581
Whip, Susan and John, a bill for the benefit of the children of 423, 491, 509, 532
White, Jacob H. petition of 36, 220
Whitley and Knox counties, a bill to alter and amend the law ordering the line between to be surveyed 362
Whitley county—see Justices and Constables.

Wickersham, Benjamin, a bill for the benefit of 456, 482, 529, 584, 593
Wickliffe, R. Jr. admitted to his seat without taking duelling oath 5
Wickliffe, R. Logan, admitted to his seat without taking duelling oath 5
Wife and husband, a bill to amend the law in relation to conveyances by, of estate of the wife 256
Wilcox, Z. and others, a bill to amend the act for benefit of 221, 263, 339
Wilkerson, Rebecca A. a bill for the benefit of 259
Willhoite, O. E., and Daniel Brown, a bill for the benefit of 481
Williamsburg, a bill to establish a road from London through, to Pine Mountain 64
Williams, Joel P. and others, an act to authorize to sell a church in Harrodsburg, 357, 415, 447, 455
Williams, Joel, petition of, 118, 155, 168
Williams, Robert, memorial of, and J. T. & J. C. Ham, 593
Williams, Robert, petition of 198
Williams, Thomas, petition of 266
Wills, a bill better to provide for recording foreign 63, 75, 109, 112, 154, 208, 217,
a bill to authorize changes of venue from the Appellate Court to the Circuit Courts in cases of 443
an act to amend the law concerning the probate of 109, 111, 140, 157, 173, 207, 551, 562
an act to amend the law concerning probate of 521, 551, 562, 593
Winchester, an act further to regulate the town of 521, 562, 579
Wingate, Cyrus, a bill for the benefit of the heirs and administrator of 94
Witnesses, a bill authorizing the depositions of, to be taken where they reside at a greater distance than thirty miles 258
Withers, Fountain, an act for the benefit of, and his children 357, 384
Witherspoon, J. L., and others, petition of 218
Wolford, William S. petition of 198
Women, married, a bill more effectually to protect rights of 125, 429, 586
report of committee on rights of 424
Woodford County Court—see Courts, County.
Woodford county, petition of mechanics of 198, 430
Wood, James J. an act for the benefit of 347, 448
Woods, Matilda, petition of 430
a bill to divorce 547, 598, 610
Work done on Internal Improvements, resolutions in relation to unsettled claims for 666
Works of Internal Improvement—see Contractors.
Wortham, John, appeared and took his seat 83
Wortors, Mathew W. petition of 143
Wragg, Susannah, petition of 452
act to divorce and change name of 581
Wretherford, Sarah, petition of 54, 79, 80
Wright, Susan, an act to divorce and change her name, 509, 658, 674, 678
Writings, sealed, an act to amend the law concerning 109, 112, 144
Writ of election, resolution to issue to fill vacancy caused by resignation of John Calhoon 89

Young, Milly, an act for the benefit of 491, 551, 562, 593